











LEGISLATIVE ASSEMBLY
OF ONTARIO

BILLS

AS INTRODUCED IN THE HOUSE

TOGETHER WITH

REPRINTS AND THIRD READINGS

SESSION

FEBRUARY 22nd TO APRIL 6th.

1944

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No. 1

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act respecting the Town of Leaside.

MR. MURPHY

(PRIVATE BILL)

BILL

An Act respecting the Town of Leaside.

Preamble.

WHEREAS the Corporation of the Town of Leaside has by its petition prayed for special legislation prohibiting its annexation to or amalgamation with any other municipality for a period of five years without the approval of its council; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

No annexation or amalgamation for 5 years without approval of council.

Rev. Stat., c. 266.

1. Notwithstanding the provisions of *The Municipal Act* or any other Act, the Town of Leaside or any part thereof shall not for the period of five years after this Act comes into force be annexed to or amalgamated with any other municipality or municipalities, nor shall any part thereof be incorporated as a municipality separate and apart from the said Town unless such annexation or amalgamation or the erection as a separate municipality of part of the said Town is approved by the council of the said Town to be expressed by by-law.

Commencement of Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

3. This act may be cited as *The Town of Leaside Act, 1944*

BILL

An Act respecting the Town of Leaside.

1st Reading

2nd Reading

3rd Reading

MR. MURPHY

(*Private Bill*)

No. 1

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act respecting the Town of Leaside.

MR. MURPHY

(Reprinted as amended by the Committee on Private Bills.)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 1

1944

BILL

An Act respecting the Town of Leaside.

Preamble.

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Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

No annexation or amalgamation for 5 years without approval of council.

Rev. Stat., c. 266.

1. Notwithstanding the provisions of any other Act, excepting only section 23 of *The Municipal Act* as re-enacted by section 2 of *The Municipal Amendment Act, 1939*, the Town of Leaside or any part thereof shall not for the period of five years after this Act comes into force be annexed to or amalgamated with any other municipality or municipalities, nor shall any part thereof be incorporated as a municipality separate and apart from the said Town unless such annexation or amalgamation or the erection as a separate municipality of part of the said Town is approved by the council of the said Town to be expressed by by-law.

Commencement of Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

3. This act may be cited as *The Town of Leaside Act, 1944*

BILL

An Act respecting the Town of Leaside.

1st Reading

March 7th, 1944

2nd Reading

3rd Reading

MR. MURPHY

*(Reprinted as amended by the Committee on
Private Bills.)*

No. 1

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act respecting the Town of Leaside.

MR. MURPHY

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 1

1944

BILL

An Act respecting the Town of Leaside.

Preamble.

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Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

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Rev. Stat., c. 266.

1. Notwithstanding the provisions of any other Act, excepting only section 23 of *The Municipal Act* as re-enacted by section 2 of *The Municipal Amendment Act, 1939*, the Town of Leaside or any part thereof shall not for the period of five years after this Act comes into force be annexed to or amalgamated with any other municipality or municipalities, nor shall any part thereof be incorporated as a municipality separate and apart from the said Town unless such annexation or amalgamation or the erection as a separate municipality of part of the said Town is approved by the council of the said Town to be expressed by by-law.

Commencement of Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

3. This Act may be cited as *The Town of Leaside Act, 1944*.

BILL

An Act respecting the Town of Leaside.

1st Reading

March 7th, 1944

2nd Reading

March 20th, 1944

3rd Reading

March 24th, 1944

MR. MURPHY

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act respecting the City of Brantford.

MR. STRANGE

(PRIVATE BILL)

BILL

An Act respecting the City of Brantford.

Preamble.

WHEREAS the Corporation of the City of Brantford, hereinafter called the Corporation, has by its petition represented that the council of the Corporation did on the 6th day of December, 1943, submit the following question to the electors of the municipality,—

Are you in favour of a Public Utilities Commission composed of the Mayor and five (5) other members elected annually one from each Ward in the City?

when out of 4832 electors voting on the question, 2673 voted in the affirmative and 2159 in the negative; that as the vote is favourable the Corporation desires to have The Public Utilities Commission consist of the mayor and five other members; and whereas the Corporation has prayed that an Act may be passed for such purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Public
Utilities
Commission,
—
constitution
of.

1934, c. 68.

Rev. Stat.,
c. 286.

1. Notwithstanding section 3 of *The City of Brantford Act, 1934*, and section 37 of *The Public Utilities Act*, it shall be lawful for the council of the Corporation to provide by by-law or by-laws that The Public Utilities Commission of the City of Brantford shall on and after the 1st day of January, 1945, consist of six members, of whom the head of the council shall *ex officio* be one and the remaining five shall be elected at the same time and place and in the same manner as the members of the council, one for each ward in the City.

Present
commissioners.

2. If a by-law is passed under section 1, then the members of the Public Utilities Commission elected at the annual elections held in 1942 and 1943, and any others appointed in their place and stead shall cease to hold office on the 31st day of December, 1944, unless elected for a further term under this Act.

Short title.

3. This Act may be cited as *The City of Brantford Act, 1944*.

BILL

An Act respecting the City of Brantford.

1st Reading

March 7th, 1944

2nd Reading

March 24th, 1944

3rd Reading

March 28th, 1944

MR. STRANGE

No. 3

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act respecting the City of Fort William.

MR. ANDERSON

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 3

1944

BILL

An Act respecting the City of Fort William.

Preamble.

WHEREAS the Corporation of the City of Fort William has by its petition prayed for special legislation with respect to lands acquired by the Corporation at tax sales and the election of members of the Board of Park Management; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Special powers, tax sale lands.

1.—(1) The Corporation of the City of Fort William may lease, option, exchange or sell any lands acquired by the Corporation at a tax sale prior to the passing of this Act for such consideration, including in whole or in part other lands within the City, as it deems advisable.

How exchanged lands to be held.

(2) Lands so taken in exchange by the Corporation shall be held by the Corporation under the same terms and conditions as if they were lands acquired by the Corporation at a tax sale.

Minimum value of lands taken in exchange.

(3) The lands so taken in exchange by the Corporation shall have an assessed value equivalent to or greater than those parted with.

Approval of Minister.

(4) An exchange of lands made under this Act shall not be effective or valid until approved by the Minister of Municipal Affairs.

Retroactive aspect.

(5) The powers conferred by this Act shall extend to and include any lands heretofore so leased, optioned, taken in exchange or sold.

Election of members of Board of Park Management

2. The members of The Board of Park Management of the City of Fort William hereafter required to fill the vacancies of retiring members shall be elected by the electors of the City

at the annual municipal elections held next before the date of their retirement.

Commence-
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

4. This Act may be cited as *The City of Fort William Act, 1944*.



BILL

An Act respecting the City of
Fort William.

1st Reading

2nd Reading

3rd Reading

MR. ANDERSON

(Private Bill)

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act respecting the City of Fort William.

MR. ANDERSON

(Reprinted as amended by the Committee on Private Bills.)

No. 3

1944

BILL

An Act respecting the City of Fort William.

Preamble.

WHEREAS the Corporation of the City of Fort William has by its petition prayed for special legislation with respect to lands acquired by the Corporation at tax sales and the election of members of the Board of Park Management; and whereas it is expedient to grant the prayer of the said petition:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Special powers,—
tax sale
lands.

1.—(1) The Corporation of the City of Fort William or the Board of Sinking Fund Trustees, as the case may be, may lease, option, exchange or sell any lands acquired by the Corporation at a tax sale prior to the passing of this Act for such consideration, including in whole or in part other lands within the City, as it deems advisable.

How
exchanged
lands to
be held.

(2) Lands so taken in exchange by the Corporation shall be held by the Corporation under the same terms and conditions as if they were lands acquired by the Corporation at a tax sale.

Minimum
value of
lands
taken in
exchange.

(3) The lands so taken in exchange by the Corporation shall have an assessed value equivalent to or greater than those parted with.

Approval
of Minister.

(4) An exchange of lands made under this Act shall not be effective or valid until approved by the Department of Municipal Affairs.

Retroactive
aspect.

(5) The powers conferred by this Act shall extend to and include any lands heretofore so leased, optioned, taken in exchange or sold.

Election of
members of
Board of
Park
Manage-
ment.

2. The members of The Board of Park Management of the City of Fort William hereafter required to fill the vacancies of

retiring members shall be elected by the electors of the City at the annual municipal elections held next before the date of their retirement.

Commence-
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

4. This Act may be cited as *The City of Fort William Act, 1944*.





BILL

An Act respecting the City of
Fort William.

1st Reading

March 7th, 1944

2nd Reading

3rd Reading

MR. ANDERSON

*(Reprinted as amended by the Committee on
Private Bills.)*

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act respecting the City of Fort William.

MR. ANDERSON

No. 3

1944

BILL

An Act respecting the City of Fort William.

Preamble.

WHEREAS the Corporation of the City of Fort William has by its petition prayed for special legislation with respect to lands acquired by the Corporation at tax sales and the election of members of the Board of Park Management; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Special powers,—
tax sale
lands.

1.—(1) The Corporation of the City of Fort William or the Board of Sinking Fund Trustees, as the case may be, may lease, option, exchange or sell any lands acquired by the Corporation at a tax sale prior to the passing of this Act for such consideration, including in whole or in part other lands within the City, as it deems advisable.

How
exchanged
lands to
be held.

(2) Lands so taken in exchange by the Corporation shall be held by the Corporation under the same terms and conditions as if they were lands acquired by the Corporation at a tax sale.

Minimum
value of
lands
taken in
exchange.

(3) The lands so taken in exchange by the Corporation shall have an assessed value equivalent to or greater than those parted with.

Approval
of Minister.

(4) An exchange of lands made under this Act shall not be effective or valid until approved by the Department of Municipal Affairs.

Retroactive
aspect.

(5) The powers conferred by this Act shall extend to and include any lands heretofore so leased, optioned, taken in exchange or sold.

Election of
members of
Board of
Park
Manage-
ment.

2. The members of The Board of Park Management of the City of Fort William hereafter required to fill the vacancies of

retiring members shall be elected by the electors of the City at the annual municipal elections held next before the date of their retirement.

3. This Act shall come into force on the day upon which it receives the Royal Assent. Commence-
ment of Act.

4. This Act may be cited as *The City of Fort William Act*, Short title. 1944.

BILL

An Act respecting the City of
Fort William.

1st Reading

March 7th, 1944

2nd Reading

March 22nd, 1944

3rd Reading

March 24th, 1944

MR. ANDERSON

No. 4

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act respecting the Township of Scarborough.

MR. MURPHY

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 4

1944

BILL

An Act respecting the Township of Scarborough.

Preamble.

WHEREAS the Corporation of the Township of Scarborough has by its petition prayed for special legislation prohibiting its annexation to an adjoining municipality for a period of five years without the assent of the electors; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

No annexation for 5 years without assent of electors.

Rev. Stat., c. 266.

1. No part of the Township of Scarborough shall, for the period of five years after this Act comes into force, be annexed to an adjoining municipality without the assent of the electors of the Township obtained on the submission of a question for that purpose in conformity with *The Municipal Act*.

Short title.

2. This Act may be cited as *The Township of Scarborough Act, 1944*.

BILL

An Act respecting the Township of
Scarborough.

1st Reading

2nd Reading

3rd Reading

MR. MURPHY

(*Private Bill*)

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act respecting the Township of Scarborough.

MR. MURPHY

(Reprinted as amended by the Committee on Private Bills.)

No. 4

1944

BILL

An Act respecting the Township of Scarborough.

Preamble.

WHEREAS the Corporation of the Township of Scarborough has by its petition prayed for special legislation prohibiting its annexation to an adjoining municipality for a period of five years without the assent of the electors; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

No annexation for 5 years without assent of electors.

1. Notwithstanding the provisions of any other Act, excepting only section 23 of *The Municipal Act* as re-enacted by section 2 of *The Municipal Amendment Act, 1939*, no part of the Township of Scarborough shall, for the period of five years after this Act comes into force, be annexed to an adjoining municipality without the assent of the electors of the Township obtained on the submission of a question for that purpose in conformity with *The Municipal Act*.

Rev. Stat., c. 266.

Short title.

2. This Act may be cited as *The Township of Scarborough Act, 1944*.

BILL

An Act respecting the Township of
Scarborough.

1st Reading

March 7th, 1944

2nd Reading

3rd Reading

MR. MURPHY

(Reprinted as amended by the Committee on
Private Bills.)

No. 4

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act respecting the Township of Scarborough.

MR. MURPHY

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the Township of Scarborough.

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Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

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1. Notwithstanding the provisions of any other Act, excepting only section 23 of *The Municipal Act* as re-enacted by section 2 of *The Municipal Amendment Act, 1939*, no part of the Township of Scarborough shall, for the period of five years after this Act comes into force, be annexed to an adjoining municipality without the assent of the electors of the Township obtained on the submission of a question for that purpose in conformity with *The Municipal Act*.

Rev. Stat., c. 266.

Short title.

2. This Act may be cited as *The Township of Scarborough Act, 1944*.

BILL

An Act respecting the Township of
Scarborough.

1st Reading

March 7th, 1944

2nd Reading

March 17th, 1944

3rd Reading

March 21st, 1944

MR. MURPHY

No. 5

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act respecting L'Union Saint-Joseph du Canada.

MR. LAURIER

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting L'Union Saint-Joseph du Canada.

Preamble.

WHEREAS L'Union Saint-Joseph du Canada has by its petition prayed for special legislation in respect of its powers; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Corporate
powers.
Province of
Canada,
1864, c. 155.
Can. 1905,
c. 170;

1. Section 1 of the Act, passed by the Parliament of the Province of Canada in the twenty-seventh and twenty-eighth years of the reign of Her late Majesty Queen Victoria, entitled *An Act to incorporate the St. Joseph Union Society of the City of Ottawa*, is amended by inserting after the words "deceased members" in the twelfth line the words "and for issuing such contracts of insurance as may be authorized by virtue of the provisions of Part X of *The Insurance Act*, on the lives of such persons and with such beneficiaries as may be authorized by virtue of the said provisions" and by striking out the words "not exceeding in annual value two thousand dollars" in the eighteenth line and inserting in lieu thereof the words "as may be authorized under the provisions of *The Insurance Act* or any other Act of the legislature of Ontario."

Contracts
and policies
to be valid.

2. All contracts and policies of insurance entered into or issued by the said Corporation prior to the coming into force of this Act are hereby declared to be as legal, valid and binding and to have the same force and effect as if this Act had come into force before such contracts and policies were issued or entered into; provided that nothing in this section shall affect any right acquired by any person, by prescription or otherwise, before the coming into force of this Act.

Rights
saved.

Name of
Corporation.

3. It is hereby declared that the name of the Corporation is and has been "L'Union Saint-Joseph du Canada" since the day upon which the Act entitled *An Act respecting L'Union St. Joseph de la Cité d'Ottawa and to change its name to L'Union Saint-Joseph du Canada* came into force.

Short title.

4. This Act may be cited as *L'Union Saint-Joseph du Canada Act, 1944*.

An Act respecting L'Union Saint-Joseph
du Canada.

1st Reading

2nd Reading

3rd Reading

MR. LAURIER

(Private Bill)

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act respecting L'Union Saint-Joseph du Canada.

MR. LAURIER



BILL

An Act respecting L'Union Saint-Joseph du Canada.

Preamble.

WHEREAS L'Union Saint-Joseph du Canada has by its petition prayed for special legislation in respect of its powers; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Corporate powers.

Province of Canada, 1864, c. 155.

Rev. Stat., c. 256.

1. Section 1 of the Act, passed by the Parliament of the Province of Canada in the twenty-seventh and twenty-eighth years of the reign of Her late Majesty Queen Victoria, entitled *An Act to incorporate the St. Joseph Union Society of the City of Ottawa*, is amended by inserting after the words "deceased members" in the twelfth line the words "and for issuing such contracts of insurance as may be authorized by virtue of the provisions of Part X of *The Insurance Act*, on the lives of such persons and with such beneficiaries as may be authorized by virtue of the said provisions" and by striking out the words "not exceeding in annual value two thousand dollars" in the eighteenth line and inserting in lieu thereof the words "as may be authorized under the provisions of *The Insurance Act* or any other Act of the legislature of Ontario."

Contracts and policies to be valid.

Rights saved.

2. All contracts and policies of insurance entered into or issued by the said Corporation prior to the coming into force of this Act are hereby declared to be as legal, valid and binding and to have the same force and effect as if this Act had come into force before such contracts and policies were issued or entered into; provided that nothing in this section shall affect any right acquired by any person, by prescription or otherwise, before the coming into force of this Act.

Name of Corporation.

Can. 1905, c. 170.

3. It is hereby declared that the name of the Corporation is and has been "L'Union Saint-Joseph du Canada" since the day upon which the Act entitled *An Act respecting L'Union St. Joseph de la Cité d'Ottawa and to change its name to L'Union Saint-Joseph du Canada* came into force.

Short title.

4. This Act may be cited as *L'Union Saint-Joseph du Canada Act, 1944*.

BILL

An Act respecting l'Union Saint-Joseph
du Canada.

1st Reading

March 7th, 1944

2nd Reading

March 15th, 1944

3rd Reading

March 20th, 1944

MR. LAURIER

No. 6

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act respecting the Townships of Anson, Hindon and Minden.

MR. SCOTT

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 6

1944

BILL

An Act respecting the Townships of Anson, Hindon and Minden.

Preamble.

WHEREAS the Corporation of the Townships of Anson and Hindon and the Corporation of the Township of Minden both in the Provisional County of Haliburton have by their petition prayed for special legislation to confirm a certain order of The Ontario Municipal Board for the amalgamation of the said Townships to form one township under the name of The Townships of Anson, Hindon and Minden; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Municipal
Board Order
No. P.F.B.-
1670
confirmed.

1. Order Number P.F. B-1670 of The Ontario Municipal Board dated the eleventh day of October, 1943, set out as schedule A hereto, is hereby confirmed.

Effective
date—1945
council.

2. The said order shall have effect as from the first day of January, 1945, provided nevertheless that the nomination for the reeve and members of the council of the amalgamated municipalities for the year 1945 shall be held on the last Monday of December, 1944, and if an election is necessary the poll shall be held on the first Monday of January, 1945.

Commence-
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

4. This Act may be cited as *The Townships of Anson, Hindon and Minden Act, 1944*.

SCHEDULE A

P.F. B-1670.

(COAT OF ARMS)

ONTARIO

THE ONTARIO MUNICIPAL BOARD

Monday, the 11th day of October, A.D. 1943.

BEFORE:

R. S. COLTER, Esq., K.C.,
Chairman, andW. P. NEAR, Esq., B.A.Sc.,
Vice-Chairman.In THE MATTER of Section 23 of "The
Municipal Act" (R.S.O. 1937, Chap-
ter 266), (as re-enacted by O.S. 1939,
Chapter 30, Section (2), andIN THE MATTER of the application by
the Corporation of the Township of
Minden for the amalgamation of the
Townships of Anson and Hindon and
Minden,AND IN THE MATTER of By-law Number
667 of the Corporation of the Town-
ship of Minden.UPON THE APPLICATION of the Corporation of the Township of Minden
in the presence of:C. M. Kellett, Esquire, Reeve of the Township of Minden,
Fred B. Wright, Esquire, Clerk of the Township of Minden,
Allan Hobden, Esquire, Reeve of the Townships of Anson and
Hindon, andOther ratepayers of the said Townships of Minden and of Anson
and Hindon,

and upon reading By-law Number 667 of the Council of the Township
of Minden passed on the Ninth day of March, 1943, and By-law Number
432 of the Townships of Anson and Hindon passed on the Second day of
February, 1943, herein filed with the Board authorizing this Application,
and upon hearing what was alleged on behalf of the said Corporations and
by the Reeve and Clerks of the said Townships, and upon being satisfied
that Public Notice of the Hearing having been given as directed by the
Board, and upon holding Public Hearing at the Court Room at Minden
in the said Township of Minden on Monday the Eleventh day of October,
1943,

THIS BOARD DOETH ORDER AND PROCLAIM that the Township of
Minden and the Townships of Anson and Hindon be and the same are
hereby amalgamated to form one Township under the name of the Town-
ships of Anson, Hindon and Minden, and the said amalgamation shall
take effect upon and subject to the following terms and conditions, namely:

1. SUBJECT to the Provisions of Sections 74, 76, 77, 78 and 79, and
other Provisions of *The Municipal Act* the electors of the amalgamated
Municipality shall elect annually on the First Monday in January the
Members of the Council who are to be elected, except such as have been
elected at the nomination, which nomination shall be held a week earlier
than the election, that is to say, on the last Monday of December. The
first election shall be held on the First Monday in January, 1945.

2. SUBJECT to the Provisions of Sections 59, 62 and 63 of *The Assess-
ment Act* the Assessor of the amalgamated Municipality shall begin to
make his Roll in each year not later than the First day of April and shall
complete the same on or before the Thirty-first day of May, and the time
for closing the Court of Revisions shall be six weeks from the Thirty-first
day of May and the time for final return of the Roll shall be twelve weeks
from the Thirty-first day of May.

3. ALL THE assets of each of the Municipalities, that is to say, the Township of Minden and Townships of Anson and Hindon shall become and be the property of the amalgamated Municipality and all liabilities of the said Townships shall become and be the liabilities of the said amalgamated Townships.

4. THIS Order of amalgamation shall take effect only if and when confirmed by Act of the Legislature and on the day to be named in such Act.

(Seal)

"R. S. COLTER,"
Chairman.



An Act respecting the Townships of
Anson, Hindon and Minden.

1st Reading

2nd Reading

3rd Reading

MR. SCOTT

(*Private Bill*)

No. 6

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act respecting the Townships of Anson, Hindon and Minden.

MR. SCOTT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 6

1944

BILL

An Act respecting the Townships of Anson, Hindon and Minden.

Preamble.

WHEREAS the Corporation of the Townships of Anson and Hindon and the Corporation of the Township of Minden both in the Provisional County of Haliburton have by their petition prayed for special legislation to confirm a certain order of The Ontario Municipal Board for the amalgamation of the said Townships to form one township under the name of The Townships of Anson, Hindon and Minden; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Municipal
Board Order
No. P.F.B.-
1670
confirmed.

1. Order Number P.F. B-1670 of The Ontario Municipal Board dated the eleventh day of October, 1943, set out as schedule A hereto, is hereby confirmed.

Effective
date—1945
council.

2. The said order shall have effect as from the first day of January, 1945, provided nevertheless that the nomination for the reeve and members of the council of the amalgamated municipalities for the year 1945 shall be held on the last Monday of December, 1944, and if an election is necessary the poll shall be held on the first Monday of January, 1945.

Commence-
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

4. This Act may be cited as *The Townships of Anson, Hindon and Minden Act, 1944.*

SCHEDULE A
(COAT OF ARMS)
ONTARIO

P.F. B-1670.

THE ONTARIO MUNICIPAL BOARD

Monday, the 11th day of October, A.D. 1943.

BEFORE:

R. S. COLTER, Esq., K.C.,
Chairman, and

W. P. NEAR, Esq., B.A.Sc.,
Vice-Chairman.

In THE MATTER of Section 23 of "The Municipal Act" (R.S.O. 1937, Chapter 266), (as re-enacted by O.S. 1939, Chapter 30, Section (2), and

IN THE MATTER of the application by the Corporation of the Township of Minden for the amalgamation of the Townships of Anson and Hindon and Minden,

AND IN THE MATTER of By-law Number 667 of the Corporation of the Township of Minden.

UPON THE APPLICATION of the Corporation of the Township of Minden in the presence of:

C. M. Kellett, Esquire, Reeve of the Township of Minden,
Fred B. Wright, Esquire, Clerk of the Township of Minden,
Allan Hobden, Esquire, Reeve of the Townships of Anson and Hindon, and
Other ratepayers of the said Townships of Minden and of Anson and Hindon,

and upon reading By-law Number 667 of the Council of the Township of Minden passed on the Ninth day of March, 1943, and By-law Number 432 of the Townships of Anson and Hindon passed on the Second day of February, 1943, herein filed with the Board authorizing this Application, and upon hearing what was alleged on behalf of the said Corporations and by the Reeve and Clerks of the said Townships, and upon being satisfied that Public Notice of the Hearing having been given as directed by the Board, and upon holding Public Hearing at the Court Room at Minden in the said Township of Minden on Monday the Eleventh day of October, 1943,

THIS BOARD DOTH ORDER AND PROCLAIM that the Township of Minden and the Townships of Anson and Hindon be and the same are hereby amalgamated to form one Township under the name of the Townships of Anson, Hindon and Minden, and the said amalgamation shall take effect upon and subject to the following terms and conditions, namely:

1. SUBJECT to the Provisions of Sections 74, 76, 77, 78 and 79, and other Provisions of *The Municipal Act* the electors of the amalgamated Municipality shall elect annually on the First Monday in January the Members of the Council who are to be elected, except such as have been elected at the nomination, which nomination shall be held a week earlier than the election, that is to say, on the last Monday of December. The first election shall be held on the First Monday in January, 1945.

2. SUBJECT to the Provisions of Sections 59, 62 and 63 of *The Assessment Act* the Assessor of the amalgamated Municipality shall begin to make his Roll in each year not later than the First day of April and shall complete the same on or before the Thirty-first day of May, and the time for closing the Court of Revisions shall be six weeks from the Thirty-first day of May and the time for final return of the Roll shall be twelve weeks from the Thirty-first day of May.

3. ALL THE assets of each of the Municipalities, that is to say, the Township of Minden and Townships of Anson and Hindon shall become and be the property of the amalgamated Municipality and all liabilities of the said Townships shall become and be the liabilities of the said amalgamated Townships.

4. THIS Order of amalgamation shall take effect only if and when confirmed by Act of the Legislature and on the day to be named in such Act.

(Seal)

"R. S. COLTER,"
Chairman.



An Act respecting the Townships of
Anson, Hindon and Minden.

1st Reading

March 7th, 1944

2nd Reading

March 15th, 1944

3rd Reading

March 20th, 1944

MR. SCOTT

No. 7

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act respecting the Town of New Toronto.

MR. MILLARD

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the Town of New Toronto.

Preamble.

WHEREAS the Town of New Toronto has by its petition prayed for special legislation whereby, notwithstanding that it has a population of less than 15,000, the Municipal Board may on application made to it, erect the said Town into a city; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Power to
erect New
Toronto
into a city.
Rev. Stat.,
c. 266.

1. Notwithstanding the requirement as to population contained in *The Municipal Act*, the Ontario Municipal Board may on application of the Corporation of the Town of New Toronto erect the said Town into a city in accordance with the provisions of the said Act.

Short title.

2. This Act may be cited as *The Town of New Toronto Act, 1944*.

BILL

An Act respecting the Town of
New Toronto.

1st Reading

2nd Reading

3rd Reading

MR. MILLARD

(Private Bill)



No. 8

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act respecting the County of Essex.

MR. MURDOCH

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



No. 8

1944

BILL

An Act respecting the County of Essex.

Preamble.

WHEREAS the Corporation of the County of Essex has by its petition prayed for special legislation to validate by-law number 924; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Equalization
by-law
No. 924
validated.

1. By-law number 924, passed by the council of the Corporation of the County of Essex on the 20th day of October, 1943, to equalize the assessments of the several townships, towns and villages in the said County for the purposes of the rating for the year 1944, set out in Schedule A hereto, is hereby confirmed and declared to be legal, valid and binding upon the corporations of the municipalities comprising the said County.

Short title.

2. This Act may be cited as *The County of Essex Act, 1944*.

SCHEDULE A

BY-LAW No. 924.

WHEREAS the Council of the Corporation of the County of Essex did on the 17th day of June, 1943, duly pass By-Law No. 921 for the purpose of equalizing the assessments of the different townships, towns and villages in the County of Essex.

AND WHEREAS the Town of Amherstburg under the provisions of *The Assessment Act*, took an appeal from the said By-law as therein provided;

AND WHEREAS, in order to avoid if possible the expenses for contest over the matter in the Court appointed for the purpose of hearing said appeal, the parties interested entered into negotiations and have arrived at a settlement by which the Town of Amherstburg is to receive a reduction of \$215,000 in the amount for which the assessment of the said town has been equalized in the said By-law, and the appeal of the said town is to be withdrawn;

NOW, THEREFORE, be it enacted and it is hereby enacted,

1. That the equalized assessment of the Town of Amherstburg as set out in said By-law No. 921, shall be reduced by the sum of \$215,000 and the equalized assessment of the Municipal Corporation of the County of Essex be as follows:

Amherstburg.....	\$1,715,803
Essex.....	1,317,041
Harrow.....	556,251
Kingsville.....	1,709,023
LaSalle.....	468,935
Leamington.....	3,762,400
Ojibway.....	635,271
Riverside.....	1,495,229
Tecumseh.....	745,334
Belle River.....	552,302
St. Clair Beach.....	465,880
Anderdon.....	2,240,500
Colchester North.....	1,546,384
Colchester South.....	4,032,456
Gosfield North.....	2,228,450
Gosfield South.....	4,202,933
Maidstone.....	3,905,548
Malden.....	2,903,784
Mersea.....	5,676,000
Rochester.....	2,258,328
Sandwich East.....	1,992,652
Sandwich South.....	1,910,223
Sandwich West.....	1,715,457
Tilbury North.....	2,002,478
Tilbury West.....	1,439,950
	\$51,478,612

2. That the values set forth in the above schedule forming a part of this by-law shall be the value of the assessment for the different townships, towns and villages in the County of Essex for the year 1943.

3. That this by-law shall come into force and effect if and when the same is validated by special act of the Legislature of the Province of Ontario, application for which is hereby authorized.

By-law passed this 20th day of October, 1943.

Signed, W. P. COYLE,
Clerk.

Signed, PHILIAS GRONDIN,
Warden.





BILL

An Act respecting the County of Essex.

1st Reading

2nd Reading

3rd Reading

MR. MURDOCH

(Private Bill)

No. 8

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act respecting the County of Essex.

MR. MURDOCH

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 8

1944

BILL

An Act respecting the County of Essex.

Preamble.

WHEREAS the Corporation of the County of Essex has by its petition prayed for special legislation to validate by-law number 924; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Equalization
by-law
No. 924
validated.

1. By-law number 924, passed by the council of the Corporation of the County of Essex on the 20th day of October, 1943, to equalize the assessments of the several townships, towns and villages in the said County for the purposes of the rating for the year 1944, set out in Schedule A hereto, is hereby confirmed and declared to be legal, valid and binding upon the corporations of the municipalities comprising the said County.

Short title.

2. This Act may be cited as *The County of Essex Act, 1944*.

SCHEDULE A

BY-LAW No. 924.

WHEREAS the Council of the Corporation of the County of Essex did on the 17th day of June, 1943, duly pass By-Law No. 921 for the purpose of equalizing the assessments of the different townships, towns and villages in the County of Essex.

AND WHEREAS the Town of Amherstburg under the provisions of *The Assessment Act*, took an appeal from the said By-law as therein provided;

AND WHEREAS, in order to avoid if possible the expenses for contest over the matter in the Court appointed for the purpose of hearing said appeal, the parties interested entered into negotiations and have arrived at a settlement by which the Town of Amherstburg is to receive a reduction of \$215,000 in the amount for which the assessment of the said town has been equalized in the said By-law, and the appeal of the said town is to be withdrawn;

NOW, THEREFORE, be it enacted and it is hereby enacted,

1. That the equalized assessment of the Town of Amherstburg as set out in said By-law No. 921, shall be reduced by the sum of \$215,000 and the equalized assessment of the Municipal Corporation of the County of Essex be as follows:

Amherstburg.....	\$1,715,803
Essex.....	1,317,041
Harrow.....	556,251
Kingsville.....	1,709,023
LaSalle.....	468,935
Leamington.....	3,762,400
Ojibway.....	635,271
Riverside.....	1,495,229
Tecumseh.....	745,334
Belle River.....	552,302
St. Clair Beach.....	465,880
Anderdon.....	2,240,500
Colchester North.....	1,546,384
Colchester South.....	4,032,456
Gosfield North.....	2,228,450
Gosfield South.....	4,202,933
Maidstone.....	3,905,548
Malden.....	2,903,784
Mersea.....	5,676,000
Rochester.....	2,258,328
Sandwich East.....	1,992,652
Sandwich South.....	1,910,223
Sandwich West.....	1,715,457
Tilbury North.....	2,002,478
Tilbury West.....	1,439,950
	\$51,478,612

2. That the values set forth in the above schedule forming a part of this by-law shall be the value of the assessment for the different townships, towns and villages in the County of Essex for the year 1943.

3. That this by-law shall come into force and effect if and when the same is validated by special act of the Legislature of the Province of Ontario, application for which is hereby authorized.

By-law passed this 20th day of October, 1943.

Signed, W. P. COYLE,
Clerk.

Signed, PHILIAS GRONDIN,
Warden.

BILL

An Act respecting the County of Essex.

1st Reading

March 7th, 1944

2nd Reading

March 17th, 1944

3rd Reading

March 21st, 1944

MR. MURDOCH

No. 9

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act respecting Victoria University.

MR. PORTER

(PRIVATE BILL)

PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
TORONTO

BILL

An Act respecting Victoria University.

Preamble.

1928,
c. 105.

WHEREAS the Board of Regents of Victoria University has by its petition represented that it is desirable that *The Victoria University Act, 1928*, be re-enacted with certain amendments respecting the management of the said University; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpre-
tation.

1. In this Act,—

- (1) "Board" shall mean The Board of Regents of Victoria University;
- (2) "Faculty" shall mean the president and all the permanent members of the staff of Victoria and Emmanuel Colleges engaged in teaching;
- (3) "Graduates" shall mean and include the graduates of Victoria University before federation with the University of Toronto and those graduates of the University of Toronto after federation who were enrolled in Victoria University at the time of their graduation.
- (4) "Alumni of Emmanuel College" shall mean:
 - (a) All those who have received a degree in Divinity from Victoria University; or who have received a degree in Divinity from Knox College previous to May 1, 1927, and who were connected with The United Church of Canada on August 1st, 1928, or who within five years from that date elected to become alumni of Emmanuel College.

- (b) All those who have completed a regular course in Theology prescribed for ordination to the ministry in Emmanuel College, or in the Faculty of Theology of Victoria University, or in Union Theological College.
- (c) All those who previous to May 1, 1927, completed in Knox College a regular course prescribed for ordination to the Ministry, and who were connected with The United Church of Canada on August 1st, 1928, or who within five years from that date elected to become alumni of Emmanuel College.
- (d) All ministers of The United Church of Canada who have completed one full year in Theology in Emmanuel College, or in the Faculty of Theology of Victoria University, or in Union Theological College, or prior to May 1, 1927, in Knox College.

Royal
Charter.

2. The Royal Charter granted in the seventh year of the reign of His late Majesty King William the Fourth incorporating the Upper Canada Academy shall remain in full force and effect save and except in so far as it may have been amended by any Act of the Legislature of the late Province of Canada or of the Province of Ontario or by *The Victoria University Act, 1928*, or by this Act.

Victoria
University
continued.

3. Victoria University as established by the said Royal Charter and by Acts of the Legislature of the late Province of Canada and of the Province of Ontario is hereby continued and shall continue to be called and known as Victoria University.

Manage-
ment and
administra-
tion.

4.—(1) The said Victoria University shall be under the management and administration of "The Board of Regents of Victoria University" which is hereby continued as a body corporate under that name.

Constitu-
tion of
Board.

(2) The Board shall consist of forty-three members to be elected or appointed as set out in the following sections. These members shall hold office until their successors are elected or appointed as follows:

- (a) Twenty-two members by vote of the General Council of The United Church of Canada appointed every two years.
- (b) Four *ex officio* members being the Chancellor of Victoria University, the President of Victoria Univer-

sity, the Dean of Victoria College and the Dean of Emmanuel College.

- (c) Five members by vote of the graduates in Arts, Medicine, Science and Law of Victoria University every four years.
- (d) Five members by vote of the Alumni of Emmanuel College every four years.
- (e) Seven members to be elected by the before mentioned thirty-six members according to the regulations which may be made from time to time by the Board.

Vacancies.

(3) If a vacancy occurs in the Board from among the members elected by the General Council of The United Church of Canada, such vacancy shall be filled by the executive committee of the said General Council. If a vacancy occurs from among the other members of the Board, the vacancy shall be filled by the Board, but in the case of a vacancy from among the members elected by the graduates or by the Alumni the Board shall appoint a graduate or alumnus as the case may be, to fill the vacancy.

Power to hold land.

5. The Board shall have in addition to the powers, rights and privileges mentioned in section 28 of *The Interpretation Act*, power to purchase, acquire, take and hold by gift, devise or otherwise real and personal property for the purpose of the university without license in mortmain and may grant, sell, mortgage, lease and otherwise dispose of the same or any part thereof.

Vesting of property.

6. All real and personal property now vested in Victoria University or in the Board of Regents of Victoria University shall be and it is hereby vested in the Board.

Powers of the Board.

7. The Board shall have power,—

- (1) To elect its own Chairman, Vice-Chairman, Treasurer and Secretary; to prescribe their respective duties, powers and authority, and to determine the tenure of each such office. Should a vacancy in any office occur at any time, the Board shall, at its next meeting, elect a new occupant of such office. The Secretary may or may not be a member of the Board.
- (2) To appoint a Chancellor of Victoria University and to determine the tenure of the office.
- (3) To make rules and regulations pertaining to the meetings of the Board and its transactions, for fixing

the quorum of the Board and for the appointment of such committees as it may deem necessary, and for conferring on any such committees power and authority to act for the Board in and in relation to such matters as the Board may deem it expedient to delegate to a committee with power to act for the Board.

- (4) To appoint a President who shall also be Vice-Chancellor, a Registrar, a Dean of Victoria College, a Dean of Emmanuel College, a Bursar, a Librarian, professors, lecturers, instructors, tutors, and all officers, agents and servants of the university and its colleges and to dismiss the same and to determine their salaries, duties and tenure of office which, unless otherwise provided, shall be at the pleasure of the Board, provided, however, that the members of the Faculty of Emmanuel College shall be appointed or dismissed only by a majority vote of the members of the Board and also by a majority vote of those members of the Board elected by the General Council of The United Church of Canada present at a meeting duly called for the purpose. No appointment to the permanent teaching staff of either college shall be made until the President and the Dean of such college shall have consulted with the teaching staff of the department concerned in the case of Victoria College, and with the members of the Faculty of Emmanuel College, and until the result of such consultation has been reported to the Board. The appointment of the Dean and professors of Emmanuel College shall be subject to confirmation by the General Council of The United Church of Canada or by a duly authorized board or committee of the General Council.
- (5) In case of vacancy in the office of President or of the absence, illness or other incapacity of the President to appoint a head of Victoria University for all the purposes of and with all the powers and authorities contemplated by *The University Act*, R.S.O. 1937, Chapter 372.
- (6) To make such regulations as may be necessary or advisable for the holding of nominations and elections for membership on the Board.
- (7) To make regulations respecting and providing for the retirement and superannuation of any of the persons mentioned in clause (4) or the payment of a gratuity to any of them upon retirement and to provide that any superannuation or retiring allowance or gratuity

shall be paid out of a fund which may be created for that purpose either with the money of the Board or from contributions from such persons or partly by both or in whole or in part from the general funds of Victoria University.

- (8) Subject to the limitations imposed by any trust as to the same, to invest all such money as shall come to the hands of the Board and is not required to be expended for any purpose to which it lawfully may be applied, in such manner as to the Board may seem meet.
- (9) To lay out and expend such sums as the Board may deem necessary for the erection, furnishing, maintenance and equipment of such buildings as are or may be deemed necessary for the purposes of Victoria University or the students thereof; provided, however, that the Senate and the Council of the college concerned shall be invited to inspect all plans of buildings and may make suggestions with regard thereto, and that before any such suggestions are rejected there be consultation between the Senate and the Board.
- (10) To exercise all the powers for establishing faculties, departments, chairs and courses of instruction in Victoria University and its colleges as have been conferred on Victoria University or the Board or Senate thereof by the said Royal Charter or by any Act of the Legislature of the late Province of Canada or of the Province of Ontario or as the Board may from time to time deem advisable.
- (11) To receive and administer all gifts, legacies, devises, grants, subscriptions or donations for Victoria University and its colleges.
- (12) To impose tuition and other fees on the students of Victoria University.
- (13) To keep proper books of account of the financial affairs of Victoria University and to present a report of the said university, accompanied by a duly audited financial account to each meeting of the General Council of The United Church of Canada.
- (14) To establish a committee to be known as the Library Board to consist of four members appointed by the Council of Victoria College, four members by the Council of Emmanuel College and four members by

the Board and to vest in such committee (subject to such limitations as the Board may deem advisable) the care, control and management of the library of Victoria University and its colleges.

- (15) To make all such regulations and provisions and do all such matters and things as may seem necessary or advisable for the welfare, advancement and good government of Victoria University which are not by this Act assigned to any other body.

Execution of documents.

8. All deeds, mortgages, discharges of mortgages, papers, documents, agreements and other instruments in writing shall be executed on behalf of the Board by any two of the President, the Chairman of the Board, the Vice-Chairman, the Treasurer, the Bursar.

Constitution of the Senate.

9.—(1) There shall be a Senate of Victoria University which shall consist of the following:

The Chancellor;

The Vice-Chancellor;

Six members of the Board of Regents appointed by the Board of Regents from their number;

All active members of the permanent teaching staff of Victoria College and Emmanuel College;

All retired members of the permanent teaching staff of Victoria College and Emmanuel College who had attained the rank of a full professor;

Six representatives elected every four years by the graduates of the faculties of Arts, Medicine, Science and Law of Victoria University;

Six representatives elected every four years by the Alumni of Emmanuel College;

Two representatives appointed by Albert College.

(2) The said members of the Senate shall hold office until their successors are elected.

Powers of the Senate.

10. The Senate shall have power,—

- (1) To provide for the regulation and conduct of its proceedings including the determination of the quorum necessary for the transaction of business.

- (2) Subject to the provisions of *The University Act*, to provide for the granting of and to grant degrees, including honorary degrees in the several colleges and faculties which are or may from time to time be established and to determine the courses of study and qualifications for degrees;
- (3) To make such regulations as may be deemed necessary and proper for the nomination and election of members to the Senate.
- (4) To make regulations and deal with all such matters of a strictly educational nature as have not in this Act been assigned to either of the colleges;
- (5) To summon and provide for the holding of Convocation, for the conferring of degrees and for such other purposes as may be determined by the Senate;
- (6) To appoint the representative of Victoria University on the Senate of the University of Toronto, provided, however, that no person who is a member of the Council of Emmanuel College shall be entitled to vote on any such appointment;
- (7) To deal with such other matters and affairs as may from time to time be committed to it by the Board.

Duties of
the
Chancellor.

11.—(1) The Chancellor shall preside at the meetings of the Senate and of Convocation of Victoria University and shall confer degrees.

Duties of
Vice-
Chancellor.

(2) The Vice-Chancellor shall, in the absence of the Chancellor, preside at the meetings of the Senate and of Convocation of Victoria University and confer degrees.

Duties of
the President.

(3) The President shall be charged with the general oversight of the University as a whole. He shall be the head of Victoria University within the meaning of clause (a) of section 41 of *The University Act*. He shall be the Chief Administrative Officer of the Board and shall have oversight of the business of the Board in its administration of the property and funds of the Board; and, save as herein otherwise provided, shall have authority to, and shall be responsible for, carrying into effect the directions of the Board, of the Senate and of the Caput in regard to all matters affecting Victoria University, its Colleges, its courses of study, and its discipline. He shall prepare and present annually to the Board a report of the life and work of the University and its colleges and a similar report to the General Council of The United Church of Canada. He shall also perform such other

duties and functions as are essential to the university as a whole and which have not been assigned to the heads of either of the colleges. The President may, at the discretion of the Board, act as Dean of either college.

Continuation of
Victoria
College.

12. The present Faculty of Arts established in Victoria University and known as Victoria College in the University of Toronto is hereby continued and shall also be known as Victoria College of Victoria University.

Dean of
Victoria
College.

13. The Dean of Victoria College shall be the Chairman of the Council of Victoria College and shall advise the President on all matters concerned with the life and work of the college. He shall assist the President by performing for the college such administrative duties as may be assigned to him by the Board.

Constitution of
Council of
Victoria
College.

14.—(1) There shall be a Council of Victoria College which shall consist of the Chancellor, the President of Victoria University, the Dean of Victoria College, the Librarian of Victoria University, and all active permanent members of the teaching staff of Victoria College, together with one professor in the Department of Religious Knowledge appointed by the Faculty of Emmanuel College.

Powers of
Council of
Victoria
College.

(2) The Council of Victoria College shall have the following powers and duties:

- (a) To make rules and regulations for governing its own proceedings, including the determining of the quorum necessary for the transaction of business.
- (b) Subject to the provisions of this Act and to the approval of the Board, to prescribe and regulate the courses of study, to exercise direction, guidance and oversight of the work and life of the college; and to make such rules and regulations as may from time to time be required for the good of the College.
- (c) To transact such business as may arise that concerns the Council as a whole.
- (d) To determine what students, possessing the academic qualifications prescribed from time to time by the Senate of the University of Toronto shall be enrolled in Victoria College; and to deal with and decide upon all applications, petitions and memorials presented to them from any source.
- (e) To conduct all examinations held by Victoria College.

- (f) To appoint such representatives of the Faculty of Arts to the Senate of the University of Toronto as *The University Act* may authorize, of whom one shall be the Dean of Victoria College.
- (g) To consider and report to the Board of Regents and to the Senate or to either of them upon such matters affecting Victoria College as to the Council may seem meet.

Continuation of Emmanuel College.

15. The present Faculty of Theology established in Victoria University and known as Emmanuel College is hereby continued and shall be known as Emmanuel College of Victoria University.

Dean of Emmanuel College.

16. The Dean of Emmanuel College shall be the head of the College within the meaning of clause (a) of section 41 of *The University Act*. He shall be Chairman of the Council of Emmanuel College and shall advise the President on all matters concerned with the life and work of the College. He shall assist the President by performing in the College such administrative duties as may be assigned to him by the Board.

Constitution of Council of Emmanuel College.

17.—(1) There shall be a Council of Emmanuel College which shall consist of the Chancellor, the President of Victoria University, the Dean of Emmanuel College, the Registrar of Victoria University, the Librarian of Victoria University, all members of the permanent teaching staff of Emmanuel College, the six members elected by the Emmanuel College Alumni as members of the Senate of Victoria University, and the five members elected by the Alumni of Emmanuel College to be members of the Board of Regents of Victoria University.

Powers of Council of Emmanuel College.

(2) The Council of Emmanuel College shall have the following powers and duties:

- (a) To determine the theological curriculum in harmony with the general principles laid down by the General Council of The United Church of Canada.
- (b) To prepare courses of study for degrees in Divinity and submit the same to the Senate of Victoria University for its approval.
- (c) To determine what students shall be enrolled in Emmanuel College; and to deal with and decide upon all applications, petitions and memorials presented to them from any source.

- (d) To arrange for the teaching and examining of the students and to grant diplomas, certify to presbytery the students who have completed their course of study for ordination, and report to the Senate of Victoria University the standing of students in courses leading to degrees in Divinity.
- (e) Subject to the provisions of this Act and to the approval of the Board, to exercise direction, guidance and oversight of the work and life of the College and to make such rules and regulations as may from time to time be required for the good of the College.
- (f) To appoint to the Senate of the University of Toronto and to the Council of the Faculty of Arts such representatives as *The University Act* may authorize.
- (g) To determine, subject to the final ratification of the Senate of Victoria University and of the Board what schools or colleges, if any, of The United Church of Canada, whose purpose is to train students for Christian service, may become affiliated with the college and the terms of such affiliation.
- (h) To make such regulations as may be deemed necessary or advisable for the holding of nominations and elections of such members of the Council as are to be elected by the alumni.
- (i) To consider and report to the Board and to the Senate, or to either of them, upon any matters affecting the College as to the Council may seem meet.

Joint
meetings
of Colleges.

18. Joint meetings of the Faculty of Victoria College and of the Faculty of Emmanuel College may be called at any time by the President; and shall forthwith be called by him upon the request of the Faculty of either College for the purpose of discussing matters of mutual interest and concern.

Registrar
of the
University.

19. There shall be a Registrar of Victoria University who shall be appointed by the Board. The Registrar shall be the Secretary of the Senate and shall keep all records and papers of the Senate including lists of all graduates and alumni including holders of diplomas and certificates, the records of all examination results and the standing of all students in each College. He shall register the students in each of the Colleges under the authority of the Councils. He shall also conduct the elections of the representatives of the graduates and alumni on the Board of Regents and on the Senate of Victoria University. **The Registrar** shall also perform such



other duties as may be assigned to him by the Senate or the Board.

Caput.

20.—(1) There shall be a committee to be called the Caput which shall be composed of the Chancellor, the President, the Dean of Victoria College and the Dean of Emmanuel College.

Powers of Caput.

(2) The Caput shall have disciplinary jurisdiction over the conduct of the students of Victoria University and its Colleges. Disciplinary jurisdiction shall include the power to impose fines and to suspend or expel students from membership in the University and to exclude students from any or all of the privileges of membership in the University either temporarily or permanently.

Graduates and undergraduates of Albert College.

21. All the graduates and undergraduates of Albert College shall have and enjoy the same rights, degrees, honours and status in connection with Victoria University as they enjoyed in connection with said Albert College on the first day of July, 1884.

Affiliation of Albert College.

22. The said Albert College is hereby affiliated with the said Victoria University and shall be entitled to two representatives upon the Senate of the said university.

Continuation of present Board, Senate, etc.

23.—(1) The Board of Regents, the Senate, the Council of Victoria College, the Council of Emmanuel College, the Caput, all as at present constituted are hereby continued until changed in furtherance of the provisions of this Act with all the powers and authorities conferred upon them respectively by this Act.

Continuation of President, Principals, Registrar, etc.

(2) The President of Victoria University, the Principals of Victoria and Emmanuel Colleges, the Registrar, the Librarian, the Bursar and all members of the teaching staff of both Colleges and other officers, servants and employees of Victoria University or either of its Colleges are hereby continued in their respective positions, subject to the terms of their respective engagements, provided that the Principals of Victoria and Emmanuel Colleges shall from the coming into force of this Act be known as Deans.

1928, c. 105, repealed.

24. *The Victoria University Act, 1928*, is repealed.

Commencement of Act.

25. This Act shall come into force on the 1st day of July, 1944.

Short title.

26. This Act may be cited as *The Victoria University Act, 1944*.

1st Reading

2nd Reading

3rd Reading

MR. PORTER

(*Private Bill*)

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act respecting Victoria University.

MR. PORTER

(Reprinted as amended by the Committee on Private Bills.)

No. 9

1944

BILL

An Act respecting Victoria University.

Preamble.

1928,
c. 105.

WHEREAS the Board of Regents of Victoria University has by its petition represented that it is desirable that *The Victoria University Act, 1928*, be re-enacted with certain amendments respecting the management of the said University; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpre-
tation.

1. In this Act,—

- (1) "Board" shall mean The Board of Regents of Victoria University;
- (2) "Faculty" shall mean the president and all the permanent members of the staff of Victoria and Emmanuel Colleges engaged in teaching;
- (3) "Graduates" shall mean and include the graduates of Victoria University before federation with the University of Toronto and those graduates of the University of Toronto after federation who were enrolled in Victoria University at the time of their graduation.
- (4) "Alumni of Emmanuel College" shall mean:
 - (a) All those who have received a degree in Divinity from Victoria University; or who have received a degree in Divinity from Knox College previous to May 1, 1927, and who were connected with The United Church of Canada on August 1st, 1928, or who within five years from that date elected to become alumni of Emmanuel College.

- (b) All those who have completed a regular course in Theology prescribed for ordination to the ministry in Emmanuel College, or in the Faculty of Theology of Victoria University, or in Union Theological College.
- (c) All those who previous to May 1, 1927, completed in Knox College a regular course prescribed for ordination to the Ministry, and who were connected with The United Church of Canada on August 1st, 1928, or who within five years from that date elected to become alumni of Emmanuel College.
- (d) All ministers of The United Church of Canada who have completed one full year in Theology in Emmanuel College, or in the Faculty of Theology of Victoria University, or in Union Theological College, or prior to May 1, 1927, in Knox College.

Royal
Charter.

2. The Royal Charter granted in the seventh year of the reign of His late Majesty King William the Fourth incorporating the Upper Canada Academy is hereby declared always to have been in full force and effect from the date thereof, notwithstanding anything to the contrary in any legislative enactment or otherwise and it shall remain in full force and effect.

Victoria
University
continued.

3. Victoria University as established by the said Royal Charter and by Acts of the Legislature of the late Province of Canada and of the Province of Ontario, is hereby declared always since the date of the Royal Charter granted in the seventh year of the reign of His late Majesty King William the Fourth to have had continuous existence, notwithstanding anything to the contrary in any legislative enactment or otherwise and it is hereby continued and shall continue as a body corporate to be called and known as Victoria University.

Manage-
ment and
administra-
tion.

4.—(1) The said Victoria University shall be under the management and administration of "The Board of Regents of Victoria University" which is hereby continued as a body corporate under that name.

Constitu-
tion of
Board.

(2) The Board shall consist of forty-three members to be elected or appointed as set out in the following sections. These members shall hold office until their successors are elected or appointed as follows:

- (a) Twenty-two members by vote of the General Council of The United Church of Canada appointed every two years.
- (b) Four *ex officio* members being the Chancellor of Vic-

toria University, the President of Victoria University, the Dean of Victoria College and the Dean of Emmanuel College.

- (c) Five members by vote of the graduates in Arts, Medicine, Science and Law of Victoria University every four years.
- (d) Five members by vote of the Alumni of Emmanuel College every four years.
- (e) Seven members to be elected by the before mentioned thirty-six members according to the regulations which may be made from time to time by the Board.

Vacancies.

(3) If a vacancy occurs in the Board from among the members elected by the General Council of The United Church of Canada, such vacancy shall be filled by the executive committee of the said General Council. If a vacancy occurs from among the other members of the Board, the vacancy shall be filled by the Board, but in the case of a vacancy from among the members elected by the graduates or by the Alumni the Board shall appoint a graduate or alumnus as the case may be, to fill the vacancy.

Power to hold land.

5. The Board shall have in addition to the powers, rights and privileges mentioned in section 28 of *The Interpretation Act*, power to purchase, acquire, take and hold by gift, devise or otherwise real and personal property for the purpose of the university without license in mortmain and may grant, sell, mortgage, lease and otherwise dispose of the same or any part thereof.

Vesting of property.

6. All real and personal property now vested in Victoria University or in the Board of Regents of Victoria University shall be and it is hereby vested in the Board.

Powers of the Board.

7. The Board shall have power,—

- (1) To elect its own Chairman, Vice-Chairman, Treasurer and Secretary; to prescribe their respective duties, powers and authority, and to determine the tenure of each such office. Should a vacancy in any office occur at any time, the Board shall, at its next meeting, elect a new occupant of such office. The Secretary may or may not be a member of the Board.
- (2) To appoint a Chancellor of Victoria University and to determine the tenure of the office.
- (3) To make rules and regulations pertaining to the meetings of the Board and its transactions, for fixing

the quorum of the Board and for the appointment of such committees as it may deem necessary, and for conferring on any such committees power and authority to act for the Board in and in relation to such matters as the Board may deem it expedient to delegate to a committee with power to act for the Board.

- (4) To appoint a President who shall also be Vice-Chancellor, a Registrar, a Dean of Victoria College, a Dean of Emmanuel College, a Bursar, a Librarian, professors, lecturers, instructors, tutors, and all officers, agents and servants of the university and its colleges and to dismiss the same and to determine their salaries, duties and tenure of office which, unless otherwise provided, shall be at the pleasure of the Board, provided, however, that the members of the Faculty of Emmanuel College shall be appointed or dismissed only by a majority vote of the members of the Board and also by a majority vote of those members of the Board elected by the General Council of The United Church of Canada present at a meeting duly called for the purpose. No appointment to the permanent teaching staff of either college shall be made until the President and the Dean of such college shall have consulted with the teaching staff of the department concerned in the case of Victoria College, and with the members of the Faculty of Emmanuel College, and until the result of such consultation has been reported to the Board. The appointment of the Dean and professors of Emmanuel College shall be subject to confirmation by the General Council of The United Church of Canada or by a duly authorized board or committee of the General Council.
- (5) In case of vacancy in the office of President or of the absence, illness or other incapacity of the President to appoint a head of Victoria University for all the purposes of and with all the powers and authorities contemplated by *The University Act*, R.S.O. 1937, Chapter 372.
- (6) To make such regulations as may be necessary or advisable for the holding of nominations and elections for membership on the Board.
- (7) To make regulations respecting and providing for the retirement and superannuation of any of the persons mentioned in clause (4) or the payment of a gratuity to any of them upon retirement and to provide that any superannuation or retiring allowance or gratuity

shall be paid out of a fund which may be created for that purpose either with the money of the Board or from contributions from such persons or partly by both or in whole or in part from the general funds of Victoria University.

- (8) Subject to the limitations imposed by any trust as to the same, to invest all such money as shall come to the hands of the Board and is not required to be expended for any purpose to which it lawfully may be applied, in such manner as to the Board may seem meet.
- (9) To lay out and expend such sums as the Board may deem necessary for the erection, furnishing, maintenance and equipment of such buildings as are or may be deemed necessary for the purposes of Victoria University or the students thereof; provided, however, that the Senate and the Council of the college concerned shall be invited to inspect all plans of buildings and may make suggestions with regard thereto, and that before any such suggestions are rejected there be consultation between the Senate and the Board.
- (10) To exercise all the powers for establishing faculties, departments, chairs and courses of instruction in Victoria University and its colleges as have been conferred on Victoria University or the Board or Senate thereof by the said Royal Charter or by any Act of the Legislature of the late Province of Canada or of the Province of Ontario.
- (11) To receive and administer all gifts, legacies, devises, grants, subscriptions or donations for Victoria University and its colleges.
- (12) To impose tuition and other fees on the students of Victoria University.
- (13) To keep proper books of account of the financial affairs of Victoria University and to present a report of the said university, accompanied by a duly audited financial account to each meeting of the General Council of The United Church of Canada.
- (14) To establish a committee to be known as the Library Board to consist of four members appointed by the Council of Victoria College, four members by the Council of Emmanuel College and four members by

the Board and to vest in such committee (subject to such limitations as the Board may deem advisable) the care, control and management of the library of Victoria University and its colleges.

- (15) To make all such regulations and provisions and do all such matters and things as may seem necessary or advisable for the welfare, advancement and good government of Victoria University which are not by this Act assigned to any other body.

Execution of documents.

8. All deeds, mortgages, discharges of mortgages, papers, documents, agreements and other instruments in writing shall be executed on behalf of the Board by any two of the President, the Chairman of the Board, the Vice-Chairman, the Treasurer, the Bursar.

Constitution of the Senate.

9.—(1) There shall be a Senate of Victoria University which shall consist of the following:

The Chancellor;

The Vice-Chancellor;

Six members of the Board of Regents appointed by the Board of Regents from their number;

All active members of the permanent teaching staff of Victoria College and Emmanuel College;

All retired members of the permanent teaching staff of Victoria College and Emmanuel College who had attained the rank of a full professor;

Six representatives elected every four years by the graduates of the faculties of Arts, Medicine, Science and Law of Victoria University;

Six representatives elected every four years by the Alumni of Emmanuel College;

Two representatives appointed by Albert College.

(2) The said members of the Senate shall hold office until their successors are elected.

Powers of the Senate.

10. The Senate shall have power,—

- (1) To provide for the regulation and conduct of its proceedings including the determination of the quorum necessary for the transaction of business.

- (2) Subject to the provisions of *The University Act*, to provide for the granting of and to grant degrees, including honorary degrees in the several colleges and faculties which are or may from time to time be established and to determine the courses of study and qualifications for degrees;
- (3) To make such regulations as may be deemed necessary and proper for the nomination and election of members to the Senate.
- (4) To make regulations and deal with all such matters of a strictly educational nature as have not in this Act been assigned to either of the colleges;
- (5) To summon and provide for the holding of Convocation, for the conferring of degrees and for such other purposes as may be determined by the Senate;
- (6) To appoint the representative of Victoria University on the Senate of the University of Toronto, provided, however, that no person who is a member of the Council of Emmanuel College shall be entitled to vote on any such appointment;
- (7) To deal with such other matters and affairs as may from time to time be committed to it by the Board.

Duties of
the
Chancellor.

11.—(1) The Chancellor shall preside at the meetings of the Senate and of Convocation of Victoria University and shall confer degrees.

Duties of
Vice-
Chancellor.

(2) The Vice-Chancellor shall, in the absence of the Chancellor, preside at the meetings of the Senate and of Convocation of Victoria University and confer degrees.

Duties of
the Presi-
dent.

(3) The President shall be charged with the general oversight of the University as a whole. He shall be the head of Victoria University within the meaning of clause (a) of section 41 of *The University Act*. He shall be the Chief Administrative Officer of the Board and shall have oversight of the business of the Board in its administration of the property and funds of the Board; and, save as herein otherwise provided, shall have authority to, and shall be responsible for, carrying into effect the directions of the Board, of the Senate and of the Caput in regard to all matters affecting Victoria University, its Colleges, its courses of study, and its discipline. He shall prepare and present annually to the Board a report of the life and work of the University and its colleges and a similar report to the General Council of The United Church of Canada. He shall also perform such other

duties and functions as are essential to the university as a whole and which have not been assigned to the heads of either of the colleges. The President may, at the discretion of the Board, act as Dean of either college.

Continuation of
Victoria
College.

12. The present Faculty of Arts established in Victoria University and known as Victoria College in the University of Toronto is hereby continued and shall also be known as Victoria College of Victoria University.

Dean of
Victoria
College.

13. The Dean of Victoria College shall be the Chairman of the Council of Victoria College and shall advise the President on all matters concerned with the life and work of the college. He shall assist the President by performing for the college such administrative duties as may be assigned to him by the Board.

Constitution of
Council of
Victoria
College.

14.—(1) There shall be a Council of Victoria College which shall consist of the Chancellor, the President of Victoria University, the Dean of Victoria College, the Librarian of Victoria University, and all active permanent members of the teaching staff of Victoria College, together with one professor in the Department of Religious Knowledge appointed by the Faculty of Emmanuel College.

Powers of
Council of
Victoria
College.

(2) The Council of Victoria College shall have the following powers and duties:

(a) To make rules and regulations for governing its own proceedings, including the determining of the quorum necessary for the transaction of business.

Rev. Stat.,
c. 372.

(b) Subject to the provisions of this Act and of *The University Act* and to the approval of the Board, to prescribe and regulate the courses of study, to exercise direction, guidance and oversight of the work and life of the college; and to make such rules and regulations as may from time to time be required for the good of the College.

(c) To transact such business as may arise that concerns the Council as a whole.

(d) To determine what students, possessing the academic qualifications prescribed from time to time by the Senate of the University of Toronto shall be enrolled in Victoria College; and to deal with and decide upon all applications, petitions and memorials presented to them from any source and upon which the action of the College is required.

(e) To conduct all examinations held by Victoria College.

- (f) To appoint such representatives of the Faculty of Arts to the Senate of the University of Toronto as *The University Act* may authorize, of whom one shall be the Dean of Victoria College.
- (g) To consider and report to the Board of Regents and to the Senate or to either of them upon such matters affecting Victoria College as to the Council may seem meet.

Continuation of Emmanuel College.

15. The present Faculty of Theology established in Victoria University and known as Emmanuel College is hereby continued and shall be known as Emmanuel College of Victoria University.

Dean of Emmanuel College.

16. The Dean of Emmanuel College shall be the head of the College within the meaning of clause (a) of section 41 of *The University Act*. He shall be Chairman of the Council of Emmanuel College and shall advise the President on all matters concerned with the life and work of the College. He shall assist the President by performing in the College such administrative duties as may be assigned to him by the Board.

Constitution of Council of Emmanuel College.

17.—(1) There shall be a Council of Emmanuel College which shall consist of the Chancellor, the President of Victoria University, the Dean of Emmanuel College, the Registrar of Victoria University, the Librarian of Victoria University, all members of the permanent teaching staff of Emmanuel College, the six members elected by the Emmanuel College Alumni as members of the Senate of Victoria University, and the five members elected by the Alumni of Emmanuel College to be members of the Board of Regents of Victoria University.

Powers of Council of Emmanuel College.

(2) The Council of Emmanuel College shall have the following powers and duties:

- (a) To determine the theological curriculum in harmony with the general principles laid down by the General Council of The United Church of Canada.
- (b) To prepare courses of study for degrees in Divinity and submit the same to the Senate of Victoria University for its approval.
- (c) To determine what students shall be enrolled in Emmanuel College; and to deal with and decide upon all applications, petitions and memorials presented to them from any source.

- (d) To arrange for the teaching and examining of the students and to grant diplomas, certify to presbytery the students who have completed their course of study for ordination, and report to the Senate of Victoria University the standing of students in courses leading to degrees in Divinity.
- (e) Subject to the provisions of this Act and to the approval of the Board, to exercise direction, guidance and oversight of the work and life of the College and to make such rules and regulations as may from time to time be required for the good of the College.
- (f) To appoint to the Senate of the University of Toronto and to the Council of the Faculty of Arts such representatives as *The University Act* may authorize.
- (g) To determine, subject to the final ratification of the Senate of Victoria University and of the Board what schools or colleges, if any, of The United Church of Canada, whose purpose is to train students for Christian service, may become affiliated with the college and the terms of such affiliation.
- (h) To make such regulations as may be deemed necessary or advisable for the holding of nominations and elections of such members of the Council as are to be elected by the alumni.
- (i) To consider and report to the Board and to the Senate, or to either of them, upon any matters affecting the College as to the Council may seem meet.

Joint
meetings
of Colleges.

18. Joint meetings of the Faculty of Victoria College and of the Faculty of Emmanuel College may be called at any time by the President; and shall forthwith be called by him upon the request of the Faculty of either College for the purpose of discussing matters of mutual interest and concern.

Registrar
of the
University.

19. There shall be a Registrar of Victoria University who shall be appointed by the Board. The Registrar shall be the Secretary of the Senate and shall keep all records and papers of the Senate including lists of all graduates and alumni including holders of diplomas and certificates, the records of all examination results and the standing of all students in each College. He shall register the students in each of the Colleges under the authority of the Councils. He shall also conduct the elections of the representatives of the graduates and alumni on the Board of Regents and on the Senate of Victoria University. The Registrar shall also perform such

other duties as may be assigned to him by the Senate or the Board.

Caput.

20.—(1) There shall be a committee to be called the Caput which shall be composed of the Chancellor, the President, the Dean of Victoria College and the Dean of Emmanuel College.

Powers of Caput.

(2) The Caput shall have disciplinary jurisdiction over the conduct of the students of Victoria University and its Colleges. Disciplinary jurisdiction shall include the power to impose fines and to suspend or expel students from membership in Victoria University and to exclude students from any or all of the privileges of membership in Victoria University either temporarily or permanently.

Graduates and undergraduates of Albert College.

21. All the graduates and undergraduates of Albert College shall have and enjoy the same rights, degrees, honours and status in connection with Victoria University as they enjoyed in connection with said Albert College on the first day of July, 1884.

Affiliation of Albert College.

22. The said Albert College is hereby affiliated with the said Victoria University and shall be entitled to two representatives upon the Senate of the said university.

Continuation of present Board, Senate, etc.

23.—(1) The Board of Regents, the Senate, the Council of Victoria College, the Council of Emmanuel College, the Caput, all as at present constituted are hereby continued until changed in furtherance of the provisions of this Act with all the powers and authorities conferred upon them respectively by this Act.

Continuation of President, Principals, Registrar, etc.

(2) The President of Victoria University, the Principals of Victoria and Emmanuel Colleges, the Registrar, the Librarian, the Bursar and all members of the teaching staff of both Colleges and other officers, servants and employees of Victoria University or either of its Colleges are hereby continued in their respective positions, subject to the terms of their respective engagements, provided that the Principals of Victoria and Emmanuel Colleges shall from the coming into force of this Act be known as Deans.

1928, c. 105, repealed.

Saving.

24. *The Victoria University Act, 1928*, except sections 18, 25 and 26 thereof, is repealed.

Commencement of Act.

25. This Act shall come into force on the 1st day of July, 1944.

Short title.

26. This Act may be cited as *The Victoria University Act, 1944*.

An Act respecting Victoria University.

1st Reading

March 13th, 1944

2nd Reading

3rd Reading

MR. PORTER

(Reprinted as amended by the Committee on
Private Bills.)

No. 9

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act respecting Victoria University.

MR. PORTER

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 9

1944

BILL

An Act respecting Victoria University.

Preamble.

1928,
c. 105.

WHEREAS the Board of Regents of Victoria University has by its petition represented that it is desirable that *The Victoria University Act, 1928*, be re-enacted with certain amendments respecting the management of the said University; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Inter-
pretation.

1. In this Act,—

- (1) "Board" shall mean The Board of Regents of Victoria University;
- (2) "Faculty" shall mean the president and all the permanent members of the staff of Victoria and Emmanuel Colleges engaged in teaching;
- (3) "Graduates" shall mean and include the graduates of Victoria University before federation with the University of Toronto and those graduates of the University of Toronto after federation who were enrolled in Victoria University at the time of their graduation.
- (4) "Alumni of Emmanuel College" shall mean:
 - (a) All those who have received a degree in Divinity from Victoria University; or who have received a degree in Divinity from Knox College previous to May 1, 1927, and who were connected with The United Church of Canada on August 1st, 1928, or who within five years from that date elected to become alumni of Emmanuel College.

- (b) All those who have completed a regular course in Theology prescribed for ordination to the ministry in Emmanuel College, or in the Faculty of Theology of Victoria University, or in Union Theological College.
- (c) All those who previous to May 1, 1927, completed in Knox College a regular course prescribed for ordination to the Ministry, and who were connected with The United Church of Canada on August 1st, 1928, or who within five years from that date elected to become alumni of Emmanuel College.
- (d) All ministers of The United Church of Canada who have completed one full year in Theology in Emmanuel College, or in the Faculty of Theology of Victoria University, or in Union Theological College, or prior to May 1, 1927, in Knox College.

2. The Royal Charter granted in the seventh year of the reign of His late Majesty King William the Fourth incorporating the Upper Canada Academy in hereby declared always to have been in full force and effect from the date thereof, notwithstanding anything to the contrary in any legislative enactment or otherwise and it shall remain in full force and effect. Royal Charter.

3. Victoria University as established by the said Royal Charter and by Acts of the Legislature of the late Province of Canada and of the Province of Ontario, is hereby declared always since the date of the Royal Charter granted in the seventh year of the reign of His late Majesty King William the Fourth to have had continuous existence, notwithstanding anything to the contrary in any legislative enactment or otherwise and it is hereby continued and shall continue as a body corporate to be called and known as Victoria University. Victoria University continued.

4.—(1) The said Victoria University shall be under the management and administration of "The Board of Regents of Victoria University" which is hereby continued as a body corporate under that name. Management and administration.

(2) The Board shall consist of forty-three members to be elected or appointed as set out in the following sections. These members shall hold office until their successors are elected or appointed as follows: Constitution of Board.

- (a) Twenty-two members by vote of the General Council of The United Church of Canada appointed every two years.
- (b) Four *ex officio* members being the Chancellor of Vic-

toria University, the President of Victoria University, the Dean of Victoria College and the Dean of Emmanuel College.

- (c) Five members by vote of the graduates in Arts, Medicine, Science and Law of Victoria University every four years.
- (d) Five members by vote of the Alumni of Emmanuel College every four years.
- (e) Seven members to be elected by the before mentioned thirty-six members according to the regulations which may be made from time to time by the Board.

Vacancies.

(3) If a vacancy occurs in the Board from among the members elected by the General Council of The United Church of Canada, such vacancy shall be filled by the executive committee of the said General Council. If a vacancy occurs from among the other members of the Board, the vacancy shall be filled by the Board, but in the case of a vacancy from among the members elected by the graduates or by the Alumni the Board shall appoint a graduate or alumnus as the case may be, to fill the vacancy.

Power to hold land.

5. The Board shall have in addition to the powers, rights and privileges mentioned in section 28 of *The Interpretation Act*, power to purchase, acquire, take and hold by gift, devise or otherwise real and personal property for the purpose of the university without license in mortmain and may grant, sell, mortgage, lease and otherwise dispose of the same or any part thereof.

Vesting of property.

6. All real and personal property now vested in Victoria University or in the Board of Regents of Victoria University shall be and it is hereby vested in the Board.

Powers of the Board.

7. The Board shall have power,—

- (1) To elect its own Chairman, Vice-Chairman, Treasurer and Secretary; to prescribe their respective duties, powers and authority, and to determine the tenure of each such office. Should a vacancy in any office occur at any time, the Board shall, at its next meeting, elect a new occupant of such office. The Secretary may or may not be a member of the Board.
- (2) To appoint a Chancellor of Victoria University and to determine the tenure of the office.
- (3) To make rules and regulations pertaining to the meetings of the Board and its transactions, for fixing

the quorum of the Board and for the appointment of such committees as it may deem necessary, and for conferring on any such committees power and authority to act for the Board in and in relation to such matters as the Board may deem it expedient to delegate to a committee with power to act for the Board.

- (4) To appoint a President who shall also be Vice-Chancellor, a Registrar, a Dean of Victoria College, a Dean of Emmanuel College, a Bursar, a Librarian, professors, lecturers, instructors, tutors, and all officers, agents and servants of the university and its colleges and to dismiss the same and to determine their salaries, duties and tenure of office which, unless otherwise provided, shall be at the pleasure of the Board, provided, however, that the members of the Faculty of Emmanuel College shall be appointed or dismissed only by a majority vote of the members of the Board and also by a majority vote of those members of the Board elected by the General Council of The United Church of Canada present at a meeting duly called for the purpose. No appointment to the permanent teaching staff of either college shall be made until the President and the Dean of such college shall have consulted with the teaching staff of the department concerned in the case of Victoria College, and with the members of the Faculty of Emmanuel College, and until the result of such consultation has been reported to the Board. The appointment of the Dean and professors of Emmanuel College shall be subject to confirmation by the General Council of The United Church of Canada or by a duly authorized board or committee of the General Council.
- (5) In case of vacancy in the office of President or of the absence illness or other incapacity of the President to appoint a head of Victoria University for all the purposes of and with all the powers and authorities contemplated by *The University Act*, R.S.O. 1937, Chapter 372.
- (6) To make such regulations as may be necessary or advisable for the holding of nominations and elections for membership on the Board.
- (7) To make regulations respecting and providing for the retirement and superannuation of any of the persons mentioned in clause (4) or the payment of a gratuity to any of them upon retirement and to provide that any superannuation or retiring allowance or gratuity

shall be paid out of a fund which may be created for that purpose either with the money of the Board or from contributions from such persons or partly by both or in whole or in part from the general funds of Victoria University.

- (8) Subject to the limitations imposed by any trust as to the same, to invest all such money as shall come to the hands of the Board and is not required to be expended for any purpose to which it lawfully may be applied, in such manner as to the Board may seem meet.
- (9) To lay out and expend such sums as the Board may deem necessary for the erection, furnishing, maintenance and equipment of such buildings as are or may be deemed necessary for the purposes of Victoria University or the students thereof; provided, however, that the Senate and the Council of the college concerned shall be invited to inspect all plans of buildings and may make suggestions with regard thereto, and that before any such suggestions are rejected there be consultation between the Senate and the Board.
- (10) To exercise all the powers for establishing faculties, departments, chairs and courses of instruction in Victoria University and its colleges as have been conferred on Victoria University or the Board or Senate thereof by the said Royal Charter or by any Act of the Legislature of the late Province of Canada or of the Province of Ontario.
- (11) To receive and administer all gifts, legacies, devises, grants, subscriptions or donations for Victoria University and its colleges.
- (12) To impose tuition and other fees on the students of Victoria University.
- (13) To keep proper books of account of the financial affairs of Victoria University and to present a report of the said university, accompanied by a duly audited financial account to each meeting of the General Council of The United Church of Canada.
- (14) To establish a committee to be known as the Library Board to consist of four members appointed by the Council of Victoria College, four members by the Council of Emmanuel College and four members by

the Board and to vest in such committee (subject to such limitations as the Board may deem advisable) the care, control and management of the library of Victoria University and its colleges.

- (15) To make all such regulations and provisions and do all such matters and things as may seem necessary or advisable for the welfare, advancement and good government of Victoria University which are not by this Act assigned to any other body.

8. All deeds, mortgages, discharges of mortgages, papers, documents, agreements and other instruments in writing shall be executed on behalf of the Board by any two of the President, the Chairman of the Board, the Vice-Chairman, the Treasurer, the Bursar. Execution of documents.

9.—(1) There shall be a Senate of Victoria University which shall consist of the following: Constitution of the Senate.

The Chancellor;

The Vice-Chancellor;

Six members of the Board of Regents appointed by the Board of Regents from their number;

All active members of the permanent teaching staff of Victoria College and Emmanuel College;

All retired members of the permanent teaching staff of Victoria College and Emmanuel College who had attained the rank of a full professor;

Six representatives elected every four years by the graduates of the faculties of Arts, Medicine, Science and Law of Victoria University;

Six representatives elected every four years by the Alumni of Emmanuel College;

Two representatives appointed by Albert College.

(2) The said members of the Senate shall hold office until their successors are elected.

10. The Senate shall have power,—

Powers of the Senate.

- (1) To provide for the regulation and conduct of its proceedings including the determination of the quorum necessary for the transaction of business

- (2) Subject to the provisions of *The University Act*, to provide for the granting of and to grant degrees, including honorary degrees in the several colleges and faculties which are or may from time to time be established and to determine the courses of study and qualifications for degrees;
- (3) To make such regulations as may be deemed necessary and proper for the nomination and election of members to the Senate.
- (4) To make regulations and deal with all such matters of a strictly educational nature as have not in this Act been assigned to either of the colleges;
- (5) To summon and provide for the holding of Convocation, for the conferring of degrees and for such other purposes as may be determined by the Senate;
- (6) To appoint the representative of Victoria University on the Senate of the University of Toronto, provided, however, that no person who is a member of the Council of Emmanuel College shall be entitled to vote on any such appointment;
- (7) To deal with such other matters and affairs as may from time to time be committed to it by the Board.

Duties of
the
Chancellor.

11.—(1) The Chancellor shall preside at the meetings of the Senate and of Convocation of Victoria University and shall confer degrees.

Duties of
Vice-
Chancellor.

(2) The Vice-Chancellor shall, in the absence of the Chancellor, preside at the meetings of the Senate and of Convocation of Victoria University and confer degrees.

Duties of
the Presi-
dent.

(3) The President shall be charged with the general oversight of the University as a whole. He shall be the head of Victoria University within the meaning of clause (a) of section 41 of *The University Act*. He shall be the Chief Administrative Officer of the Board and shall have oversight of the business of the Board in its administration of the property and funds of the Board; and, save as herein otherwise provided, shall have authority to, and shall be responsible for, carrying into effect the directions of the Board, of the Senate and of the Caput in regard to all matters affecting Victoria University, its Colleges, its courses of study, and its discipline. He shall prepare and present annually to the Board a report of the life and work of the University and its colleges and a similar report to the General Council of The United Church of Canada. He shall also perform such other

duties and functions as are essential to the university as a whole and which have not been assigned to the heads of either of the colleges. The President may, at the discretion of the Board, act as Dean of either college.

12. The present Faculty of Arts established in Victoria University and known as Victoria College in the University of Toronto is hereby continued and shall also be known as Victoria College of Victoria University.

Continuation of Victoria College.

13. The Dean of Victoria College shall be the Chairman of the Council of Victoria College and shall advise the President on all matters concerned with the life and work of the college. He shall assist the President by performing for the college such administrative duties as may be assigned to him by the Board.

Dean of Victoria College.

14.—(1) There shall be a Council of Victoria College which shall consist of the Chancellor, the President of Victoria University, the Dean of Victoria College, the Librarian of Victoria University, and all active permanent members of the teaching staff of Victoria College, together with one professor in the Department of Religious Knowledge appointed by the Faculty of Emmanuel College.

Constitution of Council of Victoria College.

(2) The Council of Victoria College shall have the following powers and duties:

Powers of Council of Victoria College.

- (a) To make rules and regulations for governing its own proceedings, including the determining of the quorum necessary for the transaction of business.
- (b) Subject to the provisions of this Act and of *The University Act* and to the approval of the Board, to prescribe and regulate the courses of study, to exercise direction, guidance and oversight of the work and life of the college; and to make such rules and regulations as may from time to time be required for the good of the College.
- (c) To transact such business as may arise that concerns the Council as a whole.
- (d) To determine what students, possessing the academic qualifications prescribed from time to time by the Senate of the University of Toronto shall be enrolled in Victoria College; and to deal with and decide upon all applications, petitions and memorials presented to them from any source and upon which the action of the College is required.
- (e) To conduct all examinations held by Victoria College.

Rev. Stat., c. 372.



- (f) To appoint such representatives of the Faculty of Arts to the Senate of the University of Toronto as *The University Act* may authorize, of whom one shall be the Dean of Victoria College.
- (g) To consider and report to the Board of Regents and to the Senate or to either of them upon such matters affecting Victoria College as to the Council may seem meet.

Continuation of Emmanuel College.

15. The present Faculty of Theology established in Victoria University and known as Emmanuel College is hereby continued and shall be known as Emmanuel College of Victoria University.

Dean of Emmanuel College.

16. The Dean of Emmanuel College shall be the head of the College within the meaning of clause (a) of section 41 of *The University Act*. He shall be Chairman of the Council of Emmanuel College and shall advise the President on all matters concerned with the life and work of the College. He shall assist the President by performing in the College such administrative duties as may be assigned to him by the Board.

Constitution of Council of Emmanuel College.

17.—(1) There shall be a Council of Emmanuel College which shall consist of the Chancellor, the President of Victoria University, the Dean of Emmanuel College, the Registrar of Victoria University, the Librarian of Victoria University, all members of the permanent teaching staff of Emmanuel College, the six members elected by the Emmanuel College Alumni as members of the Senate of Victoria University, and the five members elected by the Alumni of Emmanuel College to be members of the Board of Regents of Victoria University.

Powers of Council of Emmanuel College.

(2) The Council of Emmanuel College shall have the following powers and duties:

- (a) To determine the theological curriculum in harmony with the general principles laid down by the General Council of The United Church of Canada.
- (b) To prepare courses of study for degrees in Divinity and submit the same to the Senate of Victoria University for its approval.
- (c) To determine what students shall be enrolled in Emmanuel College; and to deal with and decide upon all applications, petitions and memorials presented to them from any source.

- (d) To arrange for the teaching and examining of the students and to grant diplomas, certify to presbytery the students who have completed their course of study for ordination, and report to the Senate of Victoria University the standing of students in courses leading to degrees in Divinity.
- (e) Subject to the provisions of this Act and to the approval of the Board, to exercise direction, guidance and oversight of the work and life of the College and to make such rules and regulations as may from time to time be required for the good of the College.
- (f) To appoint to the Senate of the University of Toronto and to the Council of the Faculty of Arts such representatives as *The University Act* may authorize.
- (g) To determine, subject to the final ratification of the Senate of Victoria University and of the Board what schools or colleges, if any, of The United Church of Canada, whose purpose is to train students for Christian service, may become affiliated with the college and the terms of such affiliation.
- (h) To make such regulations as may be deemed necessary or advisable for the holding of nominations and elections of such members of the Council as are to be elected by the alumni.
- (i) To consider and report to the Board and to the Senate, or to either of them, upon any matters affecting the College as to the Council may seem meet.

18. Joint meetings of the Faculty of Victoria College and of the Faculty of Emmanuel College may be called at any time by the President; and shall forthwith be called by him upon the request of the Faculty of either College for the purpose of discussing matters of mutual interest and concern. Joint
meetings
of Colleges.

19. There shall be a Registrar of Victoria University who shall be appointed by the Board. The Registrar shall be the Secretary of the Senate and shall keep all records and papers of the Senate including lists of all graduates and alumni including holders of diplomas and certificates, the records of all examination results and the standing of all students in each College. He shall register the students in each of the Colleges under the authority of the Councils. He shall also conduct the elections of the representatives of the graduates and alumni on the Board of Regents and on the Senate of Victoria University. The Registrar shall also perform such Registrar
of the
University.

other duties as may be assigned to him by the Senate or the Board.

Caput.

20.—(1) There shall be a committee to be called the Caput which shall be composed of the Chancellor, the President, the Dean of Victoria College and the Dean of Emmanuel College.

Powers of
Caput.

(2) The Caput shall have disciplinary jurisdiction over the conduct of the students of Victoria University and its Colleges. Disciplinary jurisdiction shall include the power to impose fines and to suspend or expel students from membership in Victoria University and to exclude students from any or all of the privileges of membership in Victoria University either temporarily or permanently.

Graduates
and under-
graduates
of Albert
College.

21. All the graduates and undergraduates of Albert College shall have and enjoy the same rights, degrees, honours and status in connection with Victoria University as they enjoyed in connection with said Albert College on the first day of July, 1884.

Affiliation
of Albert
College.

22. The said Albert College is hereby affiliated with the said Victoria University and shall be entitled to two representatives upon the Senate of the said university.

Continua-
tion of
present
Board,
Senate,
etc.

23.—(1) The Board of Regents, the Senate, the Council of Victoria College, the Council of Emmanuel College, the Caput, all as at present constituted are hereby continued until changed in furtherance of the provisions of this Act with all the powers and authorities conferred upon them respectively by this Act.

Continua-
tion of
President,
Principals,
Registrar,
etc.

(2) The President of Victoria University, the Principals of Victoria and Emmanuel Colleges, the Registrar, the Librarian, the Bursar and all members of the teaching staff of both Colleges and other officers, servants and employees of Victoria University or either of its Colleges are hereby continued in their respective positions, subject to the terms of their respective engagements, provided that the Principals of Victoria and Emmanuel Colleges shall from the coming into force of this Act be known as Deans.

1928, c. 105,
repealed.

Saving.

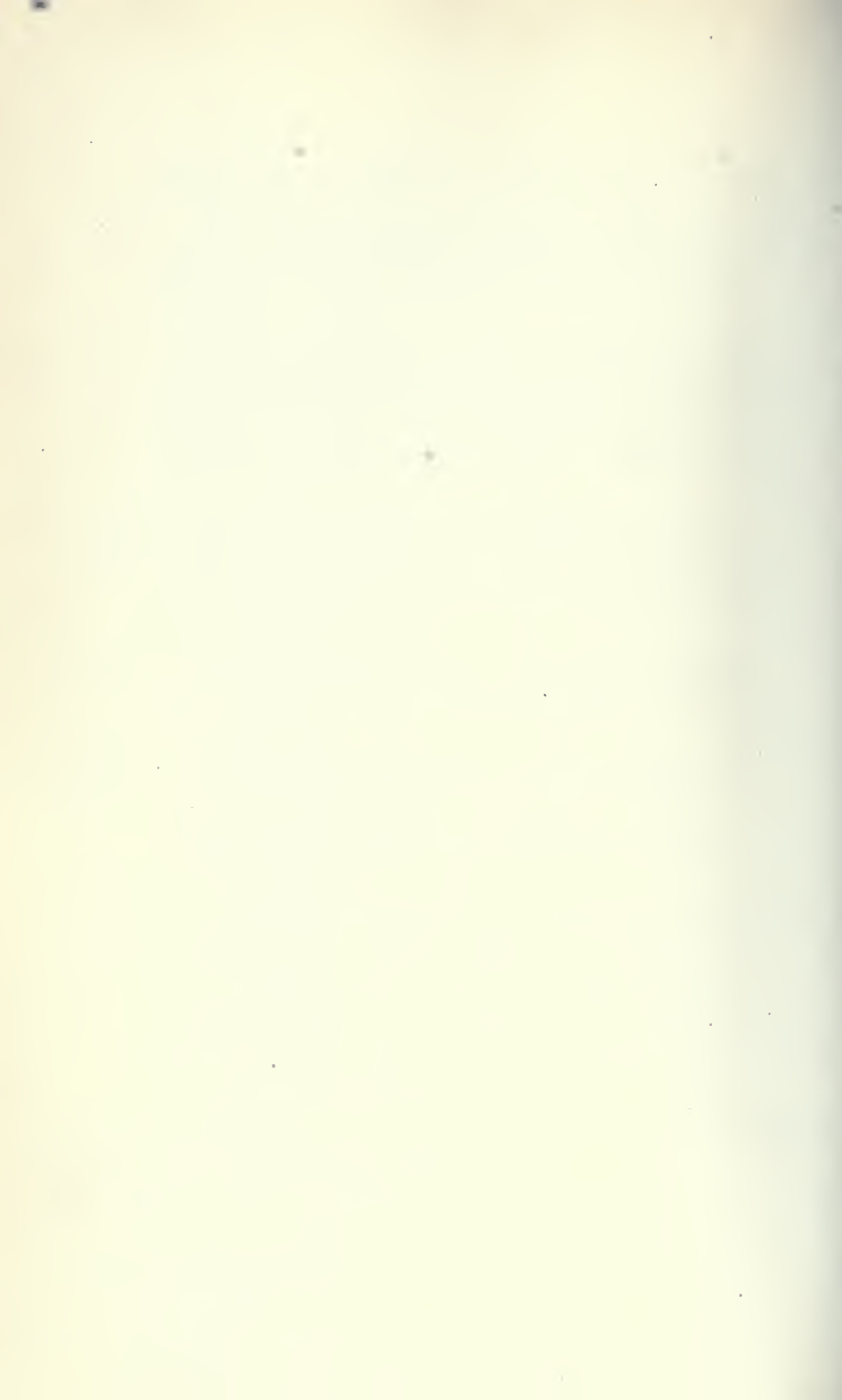
24. *The Victoria University Act, 1928*, except sections 18, 25 and 26 thereof, is repealed.

Commence-
ment of Act.

25. This Act shall come into force on the 1st day of July, 1944.

Short title.

26. This Act may be cited as *The Victoria University Act, 1944*.



BILL

An Act respecting Victoria University.

1st Reading

March 13th, 1944

2nd Reading

March 22nd, 1944

3rd Reading

March 24th, 1944

MR. PORTER

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act respecting the Township of North York.

MR. MITCHELL

(PRIVATE BILL)

BILL

An Act respecting the Township of North York.

Preamble.

WHEREAS the Corporation of the Township of North York has by its petition prayed for special legislation with respect to the several matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Township
school
areas.

1.—(1) The council of the Corporation of the Township of North York may by by-law passed with the consent of the majority of the whole number of the members thereof before the 1st day of July in any year, enlarge, extend or otherwise alter the boundaries of a township school area, as provided by section 15 of *The Public Schools Act*, by adding thereto any established school section or sections or area or any part thereof.

Rev. Stat.,
c. 357.

Idem.

(2) Notwithstanding the provisions of subsection 3 of the said section 15, the said council may by any such by-law or by a subsequent by-law, provide that the said township school area shall be divided into subdivisions for the purpose of electing trustees.

Idem.

(3) The council may, by any such by-law or by a subsequent by-law, define the limits of such subdivisions within the township school area and vary the same from time to time, as may be required by the increase or decrease of the population.

Application
of Rev.
Stat., c. 357.

(4) Save as aforesaid, the provisions of *The Public Schools Act* shall, *mutatis mutandis*, apply.

Approval
of Minister
of Educa-
tion.

(5) No by-law authorized by this section shall be passed without the approval of the Minister of Education.

Power to
create
park areas.

Rev. Stat.,
c. 284.

Special
water
areas.

Drainage
survey.

Short title.

2. The council of the said Corporation may by by-law passed with the consent of a majority of the whole number of the members thereof, designate and create an area or areas for park, community hall or recreational purposes, and the provisions of *The Community Halls Act* shall *mutatis mutandis* apply thereto, save as to the provisions of the said Act relating to school sections.

3. The council of the said Corporation may by by-law passed with the consent of the majority of the whole number of the members thereof, designate any section or area of the Township, whether within an existing water area or not, as a special water area and establish therein a community water supply by water tap or otherwise, and may assess the total cost of such community water supply, the construction, maintenance and operation thereof over the whole of such special area in addition to or in substitution for any other charges that the said special area may be called on to bear in connection with its being part of the larger water area.

4. The council of the said Corporation may by by-law passed with the consent of the majority of the whole number of the members thereof, provide for the institution and carrying out of a drainage survey of the Township or any part thereof, and may by such by-law or subsequent by-law, levy all costs attendant upon such survey upon the said Township at large or upon such area as is designated as being likely to be benefited by such survey.

5. This Act may be cited as *The Township of North York Act, 1944*.



An Act respecting the Township of
North York.

1st Reading

2nd Reading

3rd Reading

MR. MITCHELL

(*Private Bill*)

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act respecting the Township of North York.

MR. MITCHELL

(Reprinted as amended by the Committee on Private Bills.)

No. 10

1944

BILL

An Act respecting the Township of North York.

Preamble.

WHEREAS the Corporation of the Township of North York has by its petition prayed for special legislation with respect to the township school areas and water areas; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Township
school
areas.

1.—(1) The council of the Corporation of the Township of North York may by by-law passed with the consent of the majority of the whole number of the members thereof before the 1st day of July in any year, enlarge, extend or otherwise alter the boundaries of a township school area, as provided by section 15 of *The Public Schools Act*, by adding thereto any established school section or sections or area or any part thereof.

Rev. Stat.,
c. 357.

Idem.

(2) Notwithstanding the provisions of subsection 3 of the said section 15, the said council may by any such by-law or by a subsequent by-law, provide that the said township school area shall be divided into subdivisions for the purpose of electing trustees.

Idem.

(3) The council may, by any such by-law or by a subsequent by-law, define the limits of such subdivisions within the township school area and vary the same from time to time, as may be required by the increase or decrease of the population.

Application
of Rev.
Stat., c. 357.

(4) Save as aforesaid, the provisions of *The Public Schools Act* shall, *mutatis mutandis*, apply.

Approval
of Minister
of Educa-
tion.

(5) No by-law authorized by this section shall be passed without the approval of the Minister of Education.

Special
water
areas.

2. The council of the said Corporation may by by-law passed with the consent of the majority of the whole number of the members thereof, designate any section or area of the Township, whether within an existing water area or not, as a special water area and establish therein a community water supply by water tap or otherwise, and may assess the total cost of such community water supply, the construction, maintenance and operation thereof over the whole of such special area in addition to or in substitution for any other charges that the said special area may be called on to bear in connection with its being part of the larger water area.

Short title.

3. This Act may be cited as *The Township of North York Act, 1944*.



An Act respecting the Township of
North York.

1st Reading

March 7th, 1944

2nd Reading

3rd Reading

MR. MITCHELL

*(Reprinted as amended by the Committee on
Private Bills.)*

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act respecting the Township of North York.

MR. MITCHELL

BILL

An Act respecting the Township of North York.

Preamble.

WHEREAS the Corporation of the Township of North York has by its petition prayed for special legislation with respect to the township school areas and water areas; and whereas it is expedient to grant the prayer of the said petition:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Township
school
areas.

1.—(1) The council of the Corporation of the Township of North York may by by-law passed with the consent of the majority of the whole number of the members thereof before the 1st day of July in any year, enlarge, extend or otherwise alter the boundaries of a township school area, as provided by section 15 of *The Public Schools Act*, by adding thereto any established school section or sections or area or any part thereof.

Rev. Stat.,
c. 357.

Idem.

(2) Notwithstanding the provisions of subsection 3 of the said section 15, the said council may by any such by-law or by a subsequent by-law, provide that the said township school area shall be divided into subdivisions for the purpose of electing trustees.

Idem.

(3) The council may, by any such by-law or by a subsequent by-law, define the limits of such subdivisions within the township school area and vary the same from time to time, as may be required by the increase or decrease of the population.

Application
of Rev.
Stat., c. 357.

(4) Save as aforesaid, the provisions of *The Public Schools Act* shall, *mutatis mutandis*, apply.

Approval
of Minister
of Educa-
tion.

(5) No by-law authorized by this section shall be passed without the approval of the Minister of Education.

2. The council of the said Corporation may by by-law^{Special water areas.} passed with the consent of the majority of the whole number of the members thereof, designate any section or area of the Township, whether within an existing water area or not, as a special water area and establish therein a community water supply by water tap or otherwise, and may assess the total cost of such community water supply, the construction, maintenance and operation thereof over the whole of such special area in addition to or in substitution for any other charges that the said special area may be called on to bear in connection with its being part of the larger water area.

3. This Act may be cited as *The Township of North York*^{Short title.} Act, 1944.

BILL

An Act respecting the Township of
North York.

1st Reading

March 7th, 1944

2nd Reading

March 29th, 1944

3rd Reading

March 31st, 1944

MR. MITCHELL.

No. 11

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act respecting the County of York.

MR. MITCHELL

(PRIVATE BILL)

No. 11

1944

BILL

An Act respecting the County of York.

Preamble.

WHEREAS the Corporation of the County of York has by its petition prayed for special legislation to enable the members of the Toronto and York Roads Commission to be remunerated; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Remuneration of members of Toronto and York Roads Commission.

1. The council of the County of York may pass by-laws for the payment of remuneration to the members of the Toronto and York Roads Commission not exceeding, in the case of the chairman thereof, \$1200 in any one year and not exceeding, in the case of each of the other members thereof, \$1000 in any one year.

Contribution by City of Toronto, County of York and Province of Ontario.

2. The remuneration provided for the members of the Toronto and York Roads Commission shall be deemed to be an expenditure for the laying out, construction, maintenance and repair of county roads which have been designated and approved as suburban roads pursuant to the provisions of *The Highway Improvement Act* to which the City of Toronto, the County of York and Province of Ontario shall contribute in the proportions provided by section 38 thereof.

Rev. Stat., c. 56.

Commencement of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

4. This Act may be cited as *The County of York Act, 1944*.

An Act respecting the County of York.

1st Reading

2nd Reading

3rd Reading

MR. MITCHELL

(*Private Bill*)

No. 12

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act respecting The Ottawa Civic Hospital.

MR. LAURIER

(PRIVATE BILL)

BILL

An Act respecting The Ottawa Civic Hospital.

Preamble.

WHEREAS the Corporation of the City of Ottawa has by its petition prayed for special legislation in respect of The Ottawa Civic Hospital; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1919,
c. 122, s. 9;
amended.

1. Section 9 of *The Ottawa Civic Hospital Act*, as amended by section 2 of *The Ottawa Civic Hospital Act, 1922*, is further amended by adding thereto the following subsection:

Power to
establish
benefit
fund.

- (5) The said Board may establish a fund to provide for the payment of allowances to the employees of the hospital, or any class thereof, upon their retirement from the service of the hospital or, in the event of their death while in the service of the hospital, to their relatives, dependents, or personal representatives, and may require all employees to whom the fund is applicable to contribute monthly, semi-monthly or at other fixed periods to the fund such amount out of, or such fixed percentage of, the salary or wages of each such employee as the said Board may from time to time determine, which amount may vary with the age, health, length of service or salary of the employee, and may contribute annually or at other fixed periods to the fund out of any money appropriated by the Council and available for such purpose an amount not in excess of the total amount contributed thereto during the same period by the employees, and may enter into all contracts and agreements which may be necessary for such purposes, and may apply for incorporation of the fund under the provisions of any Act of the Province of Ontario; provided that no money belonging to the fund shall be invested except in the debentures, bonds, stock or other

securities of or guaranteed by the Government of Canada or of or guaranteed by the Government of the Province of Ontario.

Short title.

2. This Act may be cited as *The Ottawa Civic Hospital Act, 1944*.



An Act respecting The Ottawa Civic
Hospital.

1st Reading

2nd Reading

3rd Reading

MR. LAURIER

(*Private Bill*)

No. 12

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act respecting The Ottawa Civic Hospital.

MR. LAURIER

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting The Ottawa Civic Hospital.

Preamble.

WHEREAS the Corporation of the City of Ottawa has by its petition prayed for special legislation in respect of The Ottawa Civic Hospital; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1919,
c. 122, s. 9;
amended.

1. Section 9 of *The Ottawa Civic Hospital Act*, as amended by section 2 of *The Ottawa Civic Hospital Amendment Act, 1922*, is further amended by adding thereto the following subsection:

Power to
establish
benefit
fund.

- (5) The said Board may establish a fund to provide for the payment of allowances to the employees of the hospital, or any class thereof, upon their retirement from the service of the hospital or, in the event of their death while in the service of the hospital, to their relatives, dependents, or personal representatives, and may require all employees to whom the fund is applicable to contribute monthly, semi-monthly or at other fixed periods to the fund such amount out of, or such fixed percentage of, the salary or wages of each such employee as the said Board may from time to time determine, which amount may vary with the age, health, length of service or salary of the employee, and may contribute annually or at other fixed periods to the fund out of any money appropriated by the Council and available for such purpose an amount not in excess of the total amount contributed thereto during the same period by the employees, and may enter into all contracts and agreements which may be necessary for such purposes, and may apply for incorporation of the fund under the provisions of any Act of the Province of Ontario; provided that no money belonging to the fund shall be invested except in the debentures, bonds, stock or other

securities of or guaranteed by the Government of
~~Canada or of~~ or guaranteed by the Government of
the Province of Ontario.

2. This Act may be cited as *The Ottawa Civic Hospital* ^{Short title.}
Amendment Act, 1944.

BILL

An Act respecting The Ottawa Civic
Hospital.

1st Reading

March 14th, 1944

2nd Reading

March 22nd, 1944

3rd Reading

March 24th, 1944

MR. LAURIER

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to incorporate the Capuchin Fathers of the
Belgian Province in Canada

MR. GORDON

(PRIVATE BILL)

BILL

An Act to incorporate the Capuchin Fathers of the Belgian Province in Canada.

Preamble.

WHEREAS the Capuchin Fathers of the Belgian Province in Canada have by their petition represented that a religious order or association of ecclesiastics of the Roman Catholic faith in possession of its canonical status and known under the name "Capuchin Fathers of the Belgian Province in Canada" has been in existence since 1927 at Blenheim in the Province of Ontario; that among its objects is the establishment of convents and novitiates of the order and the conduct and establishment of churches and parishes in the Province of Ontario; and that it now has a convent and novitiate in Blenheim and administers parishes in the said Province; and whereas the order or association is desirous of better systematizing and organizing its work as outlined above; and whereas the order or association, through the officers and members undermentioned, has by its petition set forth that incorporation in the Province of Ontario would enable it to attain its objects more effectively; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Incorporation.

1. Victor Roets, Constantin Van Gool, Leopold Constandt and such other persons who are now or who may hereafter become members of such order or association, shall be and are hereby constituted and declared to be a body corporate and politic under the name "Capuchin Fathers of the Belgian Province in Canada".

Provisional directors.

2. The three persons named in section 1 shall be the provisional directors of the corporation, and shall hold office until their successors in office have been chosen according to the by-laws of the corporation.

By-laws.

3. The directors may for and on behalf of the corporation, if deemed expedient, from time to time make by-laws not contrary to law for:

- (a) the administration, management and control of the property, undertakings, business and other temporal affairs of the corporation;
- (b) the appointment, term of office, functions, duties and remuneration of all members, officers, agents and servants of the corporation and their successors;
- (c) the admission of members to and their dismissal from the corporation;
- (d) generally for the carrying out of the objects and purposes of the corporation.

Perpetual
succession.

4.—(1) The corporation shall have perpetual succession and a common seal.

Powers.

(2) The corporation may contract and be contracted with, sue and be sued, implead and be impleaded, prosecute and be prosecuted in all courts and places whatsoever in this province, and by the corporate name may from time to time and at all times hereafter purchase, take, hold, receive, possess, retain and enjoy property, real and personal, corporeal and incorporeal whatsoever, and for any and every estate or interest therein whatsoever given, granted, devised or bequeathed to it, or appropriated, purchased or acquired by it in any manner or way whatsoever, to, for or in favour of the uses of the corporation, or to, for or in favour of any religious, educational, eleemosynary or other institution established or intended to be established by, under the management of, or in connection with the uses or purposes of the corporation.

Idem.

5. The corporation may sell, convey, exchange, alienate, mortgage, lease or demise any real or personal property held by it, whether by way of investment for the uses and purposes of the corporation or not, and may also from time to time invest all or any of its funds or moneys and all or any funds or moneys invested in or acquired by it for the uses and purposes aforesaid, in and upon any security by way of mortgage, hypothec, or charge upon real or personal property; and for the purposes of such investment may take, receive and accept mortgages or assignments thereof, whether made or executed directly to the corporation, or to any corporation, body, company or person in trust for it, and may sell, grant, assign or transfer such mortgages or assignments either wholly or in part.

Execution
of deeds, etc.

6. Any deed, transfer, mortgage, charge or other instrument relating to or dealing with real estate or any interest therein of the corporation shall be deemed to be and shall be

duly executed and shall be sufficient for the purposes for which it is intended, if there are affixed thereto the seal of the corporation and the signature of two directors of the corporation.

Further powers.

7. The corporation may from time to time for its purposes,—

- (a) borrow money upon the credit of the corporation;
- (b) limit or increase the amount to be borrowed;
- (c) make, draw, accept, endorse, or become party to promissory notes drawn, accepted or endorsed by the corporation and countersigned by the proper party thereto authorized by the by-laws of the corporation and such notes shall be binding upon the corporation and be presumed to have been made, drawn, accepted or endorsed with the proper authority until the contrary is shewn, and it shall not be necessary in any case to have the seal affixed to any such bill or note;
- (d) mortgage, hypothecate or pledge the real or personal property of the corporation, or both, to secure any money borrowed for the purposes of the corporation.

Maximum value of real estate.

8. The annual rental value of the real estate held by or in trust for the corporation, excepting such property as is necessary for the actual carrying on of the work of the corporation, shall not exceed fifteen thousand dollars.

Further powers.

9. The corporation shall have full power and authority in any manner not contrary to law

- (a) to acquire, establish, erect, equip, maintain and conduct churches, parishes, convents, novitiates or establishments of the order or association within the Province of Ontario and to nominate and appoint managers of the same.
- (b) to appoint officers, administrators and attorneys and to define their powers, and to nominate an attorney or attorneys not being members of the corporation;
- (c) to erect, in connection with or adjacent to its convent or convents, chapels to which the general public may be admitted;
- (d) to establish a vault or cemetery on the property of any of its convents for the purpose of depositing therein the remains of its deceased members, pro-

vided such burial places are established and maintained in accordance with the provisions of the by-laws of any municipality in which they may be situate and in accordance with the laws and regulations of the province governing the burial of the dead;

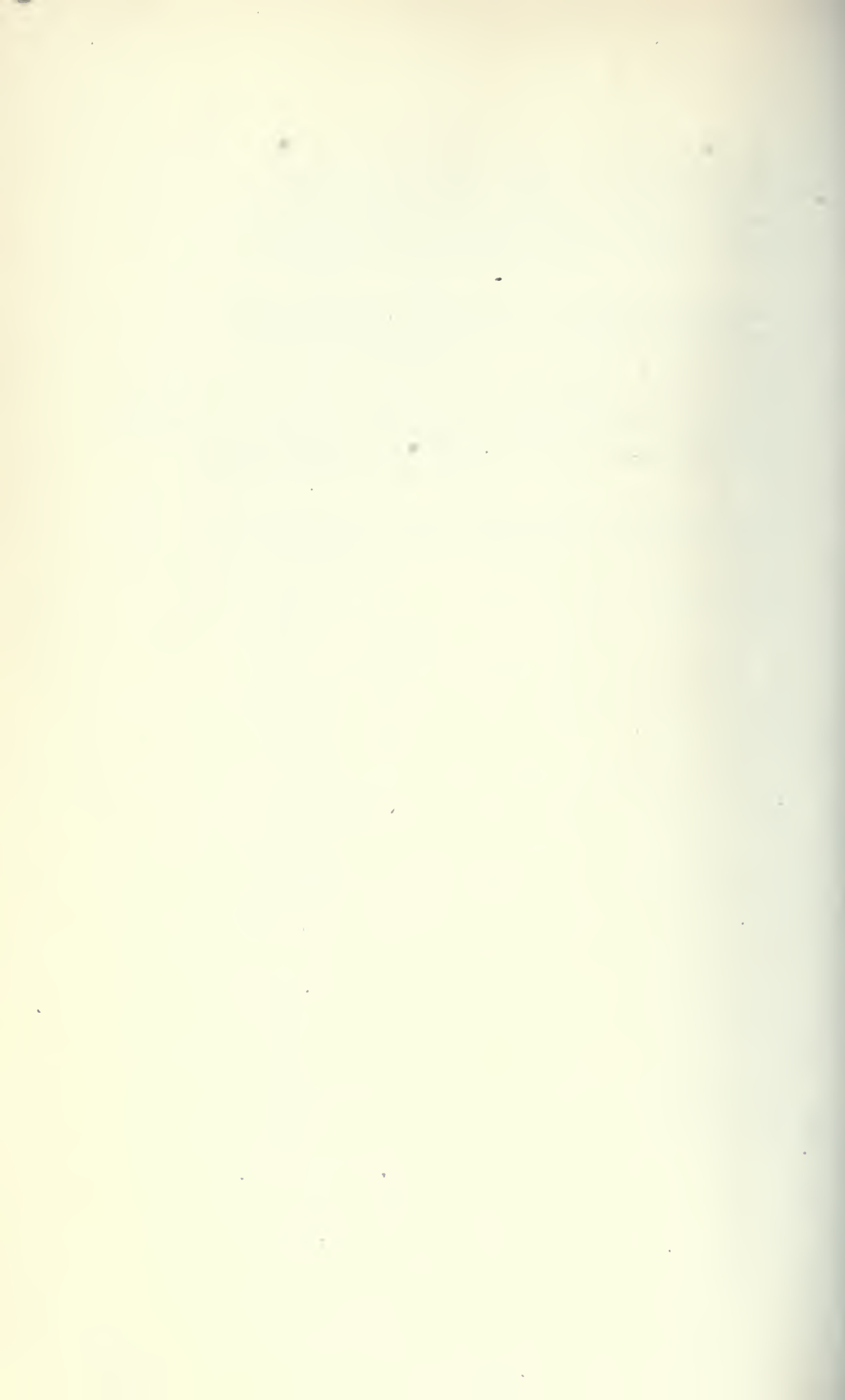
- (e) generally to exercise all such powers as are necessary for the carrying out of the objects and purposes of the corporation.

Statement
to Provincial
Secretary.

10. The corporation shall, at all times, whenever required by the Lieutenant-Governor in Council so to do, render an account in writing of its property and affairs to the Provincial Secretary.

Short title.

11. This Act may be cited as *The Capuchin Fathers of the Belgian Province in Canada Act, 1944.*



An Act to incorporate the Capuchin Fathers
of the Belgian Province in Canada.

1st Reading

2nd Reading

3rd Reading

MR. GORDON

(*Private Bill*)

No. 13

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to incorporate the Capuchin Fathers of the
Belgian Province in Canada

MR. GORDON

PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
TORONTO

BILL

An Act to incorporate the Capuchin Fathers of the Belgian Province in Canada.

Preamble.

WHEREAS the Capuchin Fathers of the Belgian Province in Canada have by their petition represented that a religious order or association of ecclesiastics of the Roman Catholic faith in possession of its canonical status and known under the name "Capuchin Fathers of the Belgian Province in Canada" has been in existence since 1927 at Blenheim in the Province of Ontario; that among its objects is the establishment of convents and novitiates of the order and the conduct and establishment of churches and parishes in the Province of Ontario; and that it now has a convent and novitiate in Blenheim and administers parishes in the said Province; and whereas the order or association is desirous of better systematizing and organizing its work as outlined above; and whereas the order or association, through the officers and members undermentioned, has by its petition set forth that incorporation in the Province of Ontario would enable it to attain its objects more effectively; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Incorporation.

1. Victor Roets, Constantin Van Gool, Leopold Constandt and such other persons who are now or who may hereafter become members of such order or association, shall be and are hereby constituted and declared to be a body corporate and politic under the name "Capuchin Fathers of the Belgian Province in Canada".

Provisional directors.

2. The three persons named in section 1 shall be the provisional directors of the corporation, and shall hold office until their successors in office have been chosen according to the by-laws of the corporation.

By-laws.

3. The directors may for and on behalf of the corporation, if deemed expedient, from time to time make by-laws not contrary to law for:

- (a) the administration, management and control of the property, undertakings, business and other temporal affairs of the corporation;
- (b) the appointment, term of office, functions, duties and remuneration of all members, officers, agents and servants of the corporation and their successors;
- (c) the admission of members to and their dismissal from the corporation;
- (d) generally for the carrying out of the objects and purposes of the corporation.

4.—(1) The corporation shall have perpetual succession ^{Perpetual succession.} and a common seal.

(2) The corporation may contract and be contracted with, ^{Powers.} sue and be sued, implead and be impleaded, prosecute and be prosecuted in all courts and places whatsoever in this province, and by the corporate name may from time to time and at all times hereafter purchase, take, hold, receive, possess, retain and enjoy property, real and personal, corporeal and incorporeal whatsoever, and for any and every estate or interest therein whatsoever given, granted, devised or bequeathed to it, or appropriated, purchased or acquired by it in any manner or way whatsoever, to, for or in favour of the uses of the corporation, or to, for or in favour of any religious, educational, eleemosynary or other institution established or intended to be established by, under the management of, or in connection with the uses or purposes of the corporation.

5. The corporation may sell, convey, exchange, alienate, ^{Idem.} mortgage, lease or demise any real or personal property held by it, whether by way of investment for the uses and purposes of the corporation or not, and may also from time to time invest all or any of its funds or moneys and all or any funds or moneys invested in or acquired by it for the uses and purposes aforesaid, in and upon any security by way of mortgage, hypothec, or charge upon real or personal property; and for the purposes of such investment may take, receive and accept mortgages or assignments thereof, whether made or executed directly to the corporation, or to any corporation, body, company or person in trust for it, and may sell, grant, assign or transfer such mortgages or assignments either wholly or in part.

6. Any deed, transfer, mortgage, charge or other instrument relating to or dealing with real estate or any interest therein of the corporation shall be deemed to be and shall be ^{Execution of deeds, etc.}

duly executed and shall be sufficient for the purposes for which it is intended, if there are affixed thereto the seal of the corporation and the signature of two directors of the corporation.

Further powers.

7. The corporation may from time to time for its purposes,—

- (a) borrow money upon the credit of the corporation;
- (b) limit or increase the amount to be borrowed;
- (c) make, draw, accept, endorse, or become party to promissory notes drawn, accepted or endorsed by the corporation and countersigned by the proper party thereto authorized by the by-laws of the corporation and such notes shall be binding upon the corporation and be presumed to have been made, drawn, accepted or endorsed with the proper authority until the contrary is shewn, and it shall not be necessary in any case to have the seal affixed to any such bill or note;
- (d) mortgage, hypothecate or pledge the real or personal property of the corporation, or both, to secure any money borrowed for the purposes of the corporation.

Maximum value of real estate.

8. The annual rental value of the real estate held by or in trust for the corporation, excepting such property as is necessary for the actual carrying on of the work of the corporation, shall not exceed fifteen thousand dollars.

Further powers.

9. The corporation shall have full power and authority in any manner not contrary to law

- (a) to acquire, establish, erect, equip, maintain and conduct churches, parishes, convents, novitiates or establishments of the order or association within the Province of Ontario and to nominate and appoint managers of the same.
- (b) to appoint officers, administrators and attorneys and to define their powers, and to nominate an attorney or attorneys not being members of the corporation;
- (c) to erect, in connection with or adjacent to its convent or convents, chapels to which the general public may be admitted;
- (d) to establish a vault or cemetery on the property of any of its convents for the purpose of depositing therein the remains of its deceased members, pro-

vided such burial places are established and maintained in accordance with the provisions of the by-laws of any municipality in which they may be situate and in accordance with the laws and regulations of the province governing the burial of the dead;

- (e) generally to exercise all such powers as are necessary for the carrying out of the objects and purposes of the corporation.

10. The corporation shall, at all times, whenever required by the Lieutenant-Governor in Council so to do, render an account in writing of its property and affairs to the Provincial Secretary.

11. This Act may be cited as *The Capuchin Fathers of the Belgian Province in Canada Act, 1944.* ^{Short title.}



BILL

An Act to incorporate the Capuchin Fathers
of the Belgian Province in Canada.

1st Reading

March 21st, 1944

2nd Reading

March 29th, 1944

3rd Reading

March 31st, 1944

MR. GORDON

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act respecting the Boards of the Baptist Convention of Ontario and
Quebec.

MR. NIXON

(PRIVATE BILL)



BILL

An Act respecting the Boards of the Baptist Convention of Ontario and Quebec.

Preamble.

1889, c. 91.

WHEREAS the petitioners have by their petition represented that by an Act of the Legislature passed in the fifty-second year of the reign of Her late Majesty Queen Victoria entitled *An Act respecting the Boards of the Baptist Convention of Ontario and Quebec* each of the Boards mentioned in the said Act is given authority to take by gift, devise, purchase or otherwise and to hold and enjoy any real or personal property, lands and tenements in Ontario, and to alienate the same at pleasure, subject to the provisions of the said Act; that it has been made to appear that the said Boards have acquired real and personal property since the passing of the said Act; and that it is expedient that the said Act be amended as hereinafter provided; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1889,
c. 91, s. 1,
amended.

1.—(1) Section 1 of the said Act is amended by striking out all the words after the word “pleasure” in the fifth line, so that the said section shall now read as follows:

Power to
hold lands.

1.—(1) Each of the boards mentioned in the said Act of the Parliament of Canada shall have authority to take by gift, devise, purchase or otherwise and to hold and enjoy any real or personal property, lands and tenements in Ontario, and may alienate the same at pleasure.

Idem.

(2) The said section 1 is further amended by adding thereto the following subsections:

Powers not
limited by
statutes of
mortmain.

(2) The powers conferred upon each of the said Boards by the Act of Parliament of Canada passed in the fifty-second year of the reign of Her late Majesty Queen Victoria, entitled *An Act respecting the Baptist*

Canada,
1889, c. 105.

Convention of Ontario and Quebec, or by this Act, to acquire by gift, devise, purchase or otherwise any real or personal property, shall not be limited or affected by any statute or statutes of mortmain in force in this Province.

Application
of gifts, etc.

- (3) Any and all real and personal property heretofore or hereafter acquired by any of the said Boards, and the proceeds thereof may be applied to and for such of the purposes of the said Boards respectively as from time to time may be designated by the said Convention, subject only to the terms of any deed or will by which any real or personal property shall have been or may hereafter be acquired.

Short title.

- 2.** This Act may be cited as *The Baptist Convention Act, 1944*.



BILL

An Act respecting the Boards of the Baptist
Convention of Ontario and Quebec.

1st Reading

2nd Reading

3rd Reading

MR. NIXON

(*Private Bill*)

No. 14

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act respecting the Boards of the Baptist Convention of Ontario and
Quebec.

MR. NIXON

BILL

An Act respecting the Boards of the Baptist Convention of Ontario and Quebec.

Preamble.

1889, c. 91.

WHEREAS the petitioners have by their petition represented that by an Act of the Legislature passed in the fifty-second year of the reign of Her late Majesty Queen Victoria entitled *An Act respecting the Boards of the Baptist Convention of Ontario and Quebec* each of the Boards mentioned in the said Act is given authority to take by gift, devise, purchase or otherwise and to hold and enjoy any real or personal property, lands and tenements in Ontario, and to alienate the same at pleasure, subject to the provisions of the said Act; that it has been made to appear that the said Boards have acquired real and personal property since the passing of the said Act; and that it is expedient that the said Act be amended as hereinafter provided; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1889,
c. 91, s. 1,
amended.

1.—(1) Section 1 of the said Act is amended by striking out all the words after the word “pleasure” in the fifth line, so that the said section shall now read as follows:

Power to
hold lands.

1.—(1) Each of the boards mentioned in the said Act of the Parliament of Canada shall have authority to take by gift, devise, purchase or otherwise and to hold and enjoy any real or personal property, lands and tenements in Ontario, and may alienate the same at pleasure.

Idem.

(2) The said section 1 is further amended by adding thereto the following subsections:

Powers not
limited by
statutes of
mortmain.

Canada,
1889, c. 105.

(2) The powers conferred upon each of the said Boards by the Act of Parliament of Canada passed in the fifty-second year of the reign of Her late Majesty Queen Victoria, entitled *An Act respecting the Baptist*

Convention of Ontario and Quebec, or by this Act, to acquire by gift, devise, purchase or otherwise any real or personal property, shall not be limited or affected by any statute or statutes of mortmain in force in this Province.

- (3) Any and all real and personal property heretofore or hereafter acquired by any of the said Boards, and the proceeds thereof may be applied to and for such of the purposes of the said Boards respectively as from time to time may be designated by the said Convention, subject only to the terms of any deed or will by which any real or personal property shall have been or may hereafter be acquired. ^{Application of gifts, etc.}

2. This Act may be cited as *The Baptist Convention Act*, Short title. 1944.

An Act respecting the Boards of the Baptist
Convention of Ontario and Quebec.

1st Reading

March 14th, 1944

2nd Reading

March 22nd, 1944

3rd Reading

March 24th, 1944

MR. NIXON

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act respecting the Town of Fort Erie.

MR. OVERALL

(PRIVATE BILL)

BILL

An Act respecting the Town of Fort Erie.

Preamble.

WHEREAS the Corporation of the Town of Fort Erie has by its petition prayed for special legislation with respect to the constitution of its council; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Constitution of council.

1932, c. 68.

1. Notwithstanding the provisions of the order of the Ontario Municipal Board, dated the 23rd day of November, 1931, and confirmed by section 2 of *The Town of Fort Erie Act, 1932*, the council of the Corporation of the Town of Fort Erie for the year 1945 and thereafter shall be composed of a mayor, a reeve, a deputy reeve, and one councillor to be elected by general vote and five councillors, one of whom shall be elected from each ward by vote of the electors entitled to vote in such ward.

Provision for constitution otherwise.

2. Notwithstanding the provisions of section 1, the council of the Corporation of the Town of Fort Erie may by by-law, with the assent of the electors, constitute the said council in any manner provided by the provisions of *The Municipal Act* applicable to a town.

Constitution of former councils validated.

3. The councils of the Corporation of the Town of Fort Erie for the years 1936 to 1943 shall be deemed to have been validly constituted.

Short title.

4. This Act may be cited as *The Town of Fort Erie Act, 1944*.

An Act respecting the Town of Fort Erie.

1st Reading

2nd Reading

3rd Reading

MR. OVERALL

(*Private Bill*)

No. 15

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act respecting the Town of Fort Erie.

MR. OVERALL

No. 15

1944

BILL

An Act respecting the Town of Fort Erie.

Preamble.

WHEREAS the Corporation of the Town of Fort Erie has by its petition prayed for special legislation with respect to the constitution of its council; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Constitution of council.

1932, c. 68.

1. Notwithstanding the provisions of the order of the Ontario Municipal Board, dated the 23rd day of November, 1931, and confirmed by section 2 of *The Town of Fort Erie Act, 1932*, the council of the Corporation of the Town of Fort Erie for the year 1945 and thereafter shall be composed of a mayor, a reeve, a deputy reeve, and one councillor to be elected by general vote and five councillors, one of whom shall be elected from each ward by vote of the electors entitled to vote in such ward.

Provision for constitution otherwise.

2. Notwithstanding the provisions of section 1, the council of the Corporation of the Town of Fort Erie may by by-law, with the assent of the electors, constitute the said council in any manner provided by the provisions of *The Municipal Act* applicable to a town.

Constitution of former councils validated.

3. The councils of the Corporation of the Town of Fort Erie for the years 1936 to 1943 shall be deemed to have been validly constituted.

Short title

4. This Act may be cited as *The Town of Fort Erie Act, 1944*.

BILL

An Act respecting the Town of Fort Erie.

1st Reading

March 14th, 1944

2nd Reading

March 22nd, 1944

3rd Reading

March 24th, 1944

MR. OVERALL.

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act respecting the Township of York.

MR. JOLLIFFE

(PRIVATE BILL)

BILL

An Act respecting the Township of York.

Preamble.

WHEREAS the Township has by its petition prayed for special legislation to erect the Township into a city and in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation,—

1. In this Act,—

“City”;

(a) “City” shall mean the City of York or the Corporation of the City of York as the context requires; and

“Township”.

(b) “Township” shall mean the Township of York or the Corporation of the Township of York as the context requires.

Erection of the City of York.

2. The Township is hereby erected into a city under the name of “The City of York” and the body corporate now known as “The Corporation of the Township of York” is hereby continued under the name of “The Corporation of the City of York”.

City-County relationship.

3. The City shall be separate from the County of York for municipal purposes, but shall continue to form part of the County for judicial purposes.

Powers, etc.

4. Except where inconsistent with the provisions of this Act, the City shall have all the rights, powers and privileges enjoyed and exercised by a city erected under the provisions of *The Municipal Act*.

Rev. Stat., c. 266.

Composition of council.

5.—(1) The council of the City shall be composed of a mayor, to be elected by general vote, and six aldermen, two of whom shall be elected for each of the three wards of the City as the said wards are now or may hereafter be constituted by by-law.

Vacancies.

(2) Where the office of alderman becomes vacant on or prior to the 1st day of November in any year and an election to fill the vacancy has not been ordered in a judicial proceeding, the clerk shall within one week after such vacancy occurs give notice thereof in writing to the Ontario Municipal Board and unless the Board shall within two weeks after the giving of such notice issue an order, which order the Board may make, directing that an election be held to fill the vacancy, the council shall forthwith appoint some fully qualified elector to fill the vacancy for the remainder of the term of the alderman whose seat has become vacant.

Board of Education.

Rev. Stat.,
c. 361.

6.—(1) The Board of Education for the Township of York shall continue as a corporation under the name of "The Board of Education for the City of York" and the provisions of *The Boards of Education Act* applicable to a municipal board of education shall apply thereto except where inconsistent with this Act.

Composition
of Board.

(2) The Board shall consist of,—

(a) three members to be elected for Ward 1, and two members to be elected for each of Wards 2 and 3; and

(b) one member to be appointed annually by the Toronto and Suburban Separate School Board as authorized by section 19 of *The High Schools Act*.

Rev. Stat.,
c. 350.

Elections.
1934, c. 104.

(3) The provisions of subsections 4, 5, 6 and 7 of section 2 of *The Township of York Act, 1934*, shall apply to elections of the members of the Board.

Application
of special
Act.

7. Except where inconsistent with the provisions of this Act, every special Act respecting the Township, which is now in force, shall continue and be in force with respect to the City as though it had been passed by or for the benefit of the City until it is repealed, amended or otherwise varied.

Application
of by-laws.

8. Except where inconsistent with the provisions of this Act, every by-law now in force in the Township shall continue in force with respect to the City until it is repealed, amended or otherwise varied.

Matters
consequent
upon erection
of
Township
into a city.

9. The provisions of *The Municipal Act* as to matters consequent on the erection of a town, not being a separated town, into a city, including the adjustment of assets and liabilities between the Corporation of the County of York and the City shall apply as though the Township was a town, except that any matter respecting such adjustment which under the terms of the said Act is to be determined by arbi-

Proviso.

tration, shall be heard and determined by the Ontario Municipal Board which shall be deemed to be the arbitrator appointed under *The Municipal Act*, and the award of the Board thereon shall be final and conclusive and not open to question in any court, provided that the council of the City and of the County may at any time enter into an agreement respecting the adjustment of assets and liabilities between the said Corporations and any such agreement shall be binding upon the parties thereto and the ratepayers thereof.

Tax arrears
procedures
to apply.

Rev. Stat.,
c. 59.

10. The provisions of Part III of *The Department of Municipal Affairs Act* respecting tax arrears procedures shall apply to the City, except that the use or disposition of any land vested in the City under the said tax arrears procedures and the application of the proceeds of such use or disposition shall not be subject to the approval of the Department of Municipal Affairs.

School
grants.

11. Nothing in this Act shall affect or alter the basis of legislative grants for the support of public or separate schools and the said grants shall continue to be paid as though the City had remained a township.

Municipal
Board,—
powers.

12. The Ontario Municipal Board is hereby authorized upon the application of the council of the City to make such orders and regulations not inconsistent with the provisions of this Act as the Board may deem necessary or advisable consequent upon the erection of the Township into a city.

No annexa-
tion, etc.,
without
vote.

1939, c. 30.

13. Notwithstanding the provisions of any other Act, excepting only section 23 of *The Municipal Act* as re-enacted by section 2 of *The Municipal Amendment Act, 1939*, the Township or any part thereof shall not be annexed to any adjoining municipality, nor shall any part thereof be incorporated as a municipality separate and apart from the Township without the assent of the municipal electors of the Township entitled to vote on money by-laws obtained on the submission of a question for that purpose in conformity with the provisions of *The Municipal Act*.

Commence-
ment of Act.
Proviso.

14.—(1) This Act, except section 13, shall come into force on the 31st day of December, 1944, provided that the proceedings with respect to the election of members of council and board of education for the year 1945 shall be taken in the year 1944 in the same manner as though this Act had come into force on the day upon which it received the Royal Assent.

Section 13.

(2) Section 13 shall come into force on the day upon which it receives the Royal Assent.

Short title.

15. This Act may be cited as *The City of York Act, 1944*.

An Act respecting the Township of York.

1st Reading

March 8th, 1944

2nd Reading

3rd Reading

MR. JOLIFFE

(Private Bill)

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act respecting the Township of York.

MR. JOLLIFFE

(Reprinted as amended by the Committee on Private Bills.)

BILL

An Act respecting the Township of York.

Preamble.

WHEREAS the Township has by its petition prayed for special legislation in respect of annexation; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

No annexation, etc., without vote.

1939, c. 30.

1. Notwithstanding the provisions of any other Act, excepting only section 23 of *The Municipal Act* as re-enacted by section 2 of *The Municipal Amendment Act, 1939*, the Township or any part thereof shall not be annexed to any adjoining municipality, nor shall any part thereof be incorporated as a municipality separate and apart from the Township without the assent of the municipal electors of the Township entitled to vote on money by-laws obtained on the submission of a question for that purpose in conformity with the provisions of *The Municipal Act*.

Commencement of Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

3. This Act may be cited as *The Township of York Act, 1944*.

An Act respecting the Township of York.

1st Reading

March 8th, 1944

2nd Reading

3rd Reading

MR. JOLIFFE

*(Reprinted as amended by the Committee on
Private Bills.)*

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act respecting the Township of York.

MR. JOLLIFFE

No. 16

1944

BILL

An Act respecting the Township of York.

Preamble.

WHEREAS the Township has by its petition prayed for special legislation in respect of annexation; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

No annexation, etc., without vote.

1939, c. 30.

1. Notwithstanding the provisions of any other Act, excepting only section 23 of *The Municipal Act* as re-enacted by section 2 of *The Municipal Amendment Act, 1939*, the Township or any part thereof shall not be annexed to any adjoining municipality, nor shall any part thereof be incorporated as a municipality separate and apart from the Township without the assent of the municipal electors of the Township entitled to vote on money by-laws obtained on the submission of a question for that purpose in conformity with the provisions of *The Municipal Act*.

Commencement of Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

3. This Act may be cited as *The Township of York Act, 1944*.

An Act respecting the Township of York.

1st Reading

March 8th, 1944

2nd Reading

March 24th, 1944

3rd Reading

March 28th, 1944

MR. JOLLIFFE

No. 17

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act respecting the City of London.

MR. WEBSTER

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the City of London.

Preamble.

WHEREAS the Corporation of the City of London has by its petition prayed for special legislation in respect of the Park Fund Rate; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1912,
o. 107, s. 10,
amended.

1. Section 10 of *The City of London Act, 1912*, as amended by section 8 of *The City of London Act, 1918*, is further amended by striking out the words "one-half" in the sixteenth line and inserting in lieu thereof the word "one" so that the said section, exclusive of the clause, shall now read as follows:

Water
Commis-
sioners
to have
management
of public
parks, etc.

10. The Water Commissioners for the City of London shall, from and after the passing of this Act, have the whole management and control of all the public parks in the said City of London, and Springbank Park owned by the Corporation of the City of London, and situate in the Township of Westminster, and the care of the public boulevards in the said City, and shall have, with respect thereto all the powers which the Board of Park Management have under the provisions of *The Public Parks Act*, including the right to make up an estimate of the sums required during the ensuing financial year as provided by section 17 of the said Act, and the Council of the Corporation of the City of London shall be bound to levy and assess in each year, a special annual rate sufficient to furnish the amount estimated by the said The Water Commissioners for the City of London to be required for the year, but not exceeding one mill in the dollar upon the assessed value of all rateable real and personal property, such rate to be called the Park Fund Rate, in the same manner as if the said estimate had been made up and reported to the Council by The Board of

Park Management under the provisions of the said section 17 of the said Act.

Retroactive.
effect.

2. Section 1 shall have effect on and after the 1st day of January, 1944.

Commence-
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

4. This Act may be cited as *The City of London Act, 1944*.



An Act respecting the City of London.

1st Reading

2nd Reading

3rd Reading

MR. WEBSTER

(*Private Bill*)

No. 17

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act respecting the City of London.

MR. WEBSTER

(Reprinted as amended by the Committee on Private Bills.)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the City of London.

Preamble.

WHEREAS the Corporation of the City of London has by its petition prayed for special legislation in respect of the Park Fund Rate; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1912,
c. 107, s. 10,
amended.

1. Section 10 of *The City of London Act, 1912*, as amended by section 8 of *The City of London Act, 1918*, is further amended by striking out the words "one-half" in the sixteenth line and inserting in lieu thereof the word "one" and by striking out the words "real and personal" in the seventeenth and eighteenth lines so that the said section, exclusive of the clause, shall now read as follows:

Water
Commis-
sioners
to have
management
of public
parks, etc.

10. The Water Commissioners for the City of London shall, from and after the passing of this Act, have the whole management and control of all the public parks in the said City of London, and Springbank Park owned by the Corporation of the City of London, and situate in the Township of Westminster, and the care of the public boulevards in the said City, and shall have, with respect thereto all the powers which the Board of Park Management have under the provisions of *The Public Parks Act*, including the right to make up an estimate of the sums required during the ensuing financial year as provided by section 17 of the said Act, and the Council of the Corporation of the City of London shall be bound to levy and assess in each year, a special annual rate sufficient to furnish the amount estimated by the said The Water Commissioners for the City of London to be required for the year, but not exceeding one mill in the dollar upon the assessed value of all rateable property, such rate to be called the Park Fund Rate, in the same manner as if the

said estimate had been made up and reported to the Council by The Board of Park Management under the provisions of the said section 17 of the said Act.

Retroactive.
effect.

2. Section 1 shall have effect on and after the 1st day of January, 1944.

Commence-
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

4. This Act may be cited as *The City of London Act, 1944*.



BILL

An Act respecting the City of London.

1st Reading

March 21st, 1944

2nd Reading

3rd Reading

MR. WEBSTER

(Reprinted as amended by the Committee on
Private Bills.)

No. 17

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act respecting the City of London.

MR. WEBSTER

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the City of London.

Preamble.

WHEREAS the Corporation of the City of London has by its petition prayed for special legislation in respect of the Park Fund Rate; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1912,
c. 107, s. 10,
amended.

1. Section 10 of *The City of London Act, 1912*, as amended by section 8 of *The City of London Act, 1918*, is further amended by striking out the words "one-half" in the sixteenth line and inserting in lieu thereof the word "one" and by striking out the words "real and personal" in the seventeenth and eighteenth lines so that the said section, exclusive of the clause, shall now read as follows:

Water
Commissioners
to have
management
of public
parks, etc.

10. The Water Commissioners for the City of London shall, from and after the passing of this Act, have the whole management and control of all the public parks in the said City of London, and Springbank Park owned by the Corporation of the City of London, and situate in the Township of Westminster, and the care of the public boulevards in the said City, and shall have, with respect thereto all the powers which the Board of Park Management have under the provisions of *The Public Parks Act*, including the right to make up an estimate of the sums required during the ensuing financial year as provided by section 17 of the said Act, and the Council of the Corporation of the City of London shall be bound to levy and assess in each year, a special annual rate sufficient to furnish the amount estimated by the said The Water Commissioners for the City of London to be required for the year, but not exceeding one mill in the dollar upon the assessed value of all rateable property, such rate to be called the Park Fund Rate, in the same manner as if the

said estimate had been made up and reported to the Council by The Board of Park Management under the provisions of the said section 17 of the said Act.

2. Section 1 shall have effect on and after the 1st day of January, 1944. Retroactive effect.

3. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

4. This Act may be cited as *The City of London Act, 1944*. Short title.

BILL

An Act respecting the City of London.

1st Reading

March 21st, 1944

2nd Reading

March 29th, 1944

3rd Reading

March 31st, 1944

MR. WEBSTER

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act respecting the City of Welland.

MR. BROWN

(PRIVATE BILL)

No. 18

1944

BILL

An Act respecting the City of Welland.

Preamble.

WHEREAS the Corporation of the City of Welland has by its petition prayed for special legislation in respect of the Welland-Crowland Health and Recreational Centre; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Power to
acquire lands
for recrea-
tional
purposes.

1. Subject to the approval of the Ontario Municipal Board, the Corporation of the City of Welland may acquire lands, by expropriation if necessary, which may be required to provide proper facilities for recreation and sports for the youth and industrial workers and the citizens of the City of Welland and a forum for public gatherings.

Debenture
by-law
1402
validated.

2. Subject to the approval of the Ontario Municipal Board, by-law number 1402 passed by the council of the Corporation of the City of Welland on the 24th day of March, 1944, set out as schedule A hereto, authorizing the issue of debentures for \$50,000 to provide aid in the construction of an arena as a unit of the Welland-Crowland Health and Recreational Centre is hereby confirmed and declared to be legal, valid and binding upon the Corporation and the rate-payers thereof.

Board of
management
for arena.

3. The general management, regulation and control of the said arena is hereby vested in a board to be known as "The Board of Trustees and Managers of the Welland-Crowland Health and Recreational Centre."

By-law
1404 and
agreement
validated.

4. By-law number 1404 passed by the council of the Corporation of the City of Welland on the 21st day of February, 1944, set out as Schedule B hereto, authorizing the execution of an agreement between the Corporation and the Welland-Crowland Health and Recreational Centre to provide for the general management, regulation, control and financing

of the said arena is hereby confirmed and declared to be legal, valid and binding upon the Corporation and the ratepayers thereof, and the said agreement, a copy of which is annexed to the said by-law, is hereby confirmed and declared to be legal, valid and binding upon the Corporation and the ratepayers thereof and the said Welland-Crowland Health and Recreational Centre.

Short title.

5. This Act may be cited as *The City of Welland Act, 1944*.

SCHEDULE A

BY-LAW NUMBER 1402

A by-law to authorize the issue of debentures for \$50,000.00 for granting aid to the Welland-Crowland Health and Recreational Centre.

WHEREAS the Welland-Crowland Health and Recreational Centre is a Charitable Organization for the purposes of organizing such activities tending to promotion of the health, social welfare and recreation of the people of the City of Welland and the Township of Crowland and is composed of the citizens and Societies interested in the said objects.

AND WHEREAS the Council of the Corporation of the City of Welland has been approached by the Welland-Crowland Health and Recreational Centre which has requested the Council to grant to the Welland-Crowland Health and Recreational Centre a sum not exceeding Fifty Thousand Dollars (\$50,000.00) to aid in the construction of an Arena for the purpose of providing proper facilities for recreation and sports and a forum for public gatherings.

AND WHEREAS it is provided by Section 404, paragraph 5 of The Municipal Act, being Chapter 266 of the Revised Statutes of Ontario, 1937, that by-laws may be passed by the Councils of all Municipalities for granting aid to any Charitable Institution.

AND WHEREAS the Council deems it expedient in the interests of the community at large to further the requests of the Welland-Crowland Health and Recreational Centre with a view to providing such facilities for the children, youth, industrial workers and citizens generally.

AND WHEREAS the Welland-Crowland Health and Recreational Centre has received by public subscription a sum at least equal to and in excess of that sought to be raised under this by-law and requests the Council of the Corporation of the City of Welland to submit a by-law to the electors entitled to vote on money by-laws for the purpose of obtaining their assent to the issue of debentures for the sum of Fifty Thousand Dollars (\$50,000.00) for the purposes aforesaid.

AND WHEREAS the Council deems it expedient to submit this by-law and, if assented to, to validate it by special legislation to issue debentures for the sum of Fifty Thousand Dollars (\$50,000.00) to grant to the Welland-Crowland Health and Recreational Centre for the purpose aforesaid, which amount with interest thereon is the maximum amount of the debt to be created by this by-law.

AND WHEREAS it is deemed expedient to make the principal re-payable in equal annual instalments during the period of five years from the date of the issue of the said Debentures with interest thereon at the rate of three percent (3%) per annum.

AND WHEREAS it will be necessary to raise annually during the said period of five years to pay the said annual instalments of principal and interest as they become due and payable the amounts hereinafter specified by a special rate sufficient therefor over and above all other rates on all the rateable property in the Municipality.

AND WHEREAS the amount of the whole rateable property in the City of Welland according to the last Revised Assessment Roll is \$11,394,955.00.

AND WHEREAS the amount of the existing Debenture debt of the Corporation is \$874,289.57, exclusive of Local Improvement debts, secured by special rates or assessments and other indebtedness which by the provisions of certain Statutes of the Province of Ontario is not to be reckoned in ascertaining whether the limit of the borrowing power of the Corporation has been reached, and no part of the principal or interest thereon is in arrears.

NOW THEREFORE the Municipal Council of the Corporation of the City of Welland enacts as follows:—

1. That for the purpose aforesaid, it shall be lawful for the Council of the Corporation of the City of Welland to borrow upon Debentures of the Corporation the sum of Fifty Thousand Dollars (\$50,000.00) and Debentures shall be made and issued therefor in sums of not less than One Hundred Dollars (\$100.00) each, which Debentures shall be signed by the Mayor and countersigned by the Treasurer of the said City and sealed with the Corporate Seal.

2. The said Debentures shall all bear the same date and shall be issued within two years after the day on which this by-law is passed and may bear any date within such two years, and shall be payable in five equal annual instalments during the five years next after the time when the same are issued, and the respective amounts of principal and interest payable in each of such years shall be as follows:

Year	Principal	Interest	Total
1	\$ 9,417.72	\$1,500.00	\$10,917.72
2	9,700.26	1,217.46	10,917.72
3	9,991.27	926.45	10,917.72
4	10,291.01	626.71	10,917.72
5	10,599.74	317.98	10,917.72
Total.....	\$50,000.00	\$4,588.60	\$54,588.60

3. The said Debentures shall bear interest at the rate of three per cent (3%) per annum, payable half yearly during the currency thereof and shall have attached to them coupons for payment of the said interest, with a facsimile of the signature of the Treasurer engraved thereon.

4. The Debentures both as to principal and interest shall be payable at the Office of the Treasurer of the said Corporation in the City of Welland.

5. During the currency of the said Debentures, there shall be raised annually in respect thereof by special rates sufficient therefor over and above all other rates on the whole rateable property in the City of Welland amounts in each of the said before mentioned years respectively as are required to meet the annual instalments of principal and interest due in each year and as shown and set forth in the foregoing table.

6. This By-law shall not come into force or effect until assented to by the electors entitled to vote on money by-laws and validated by a Special Act of the Legislative Assembly of the Province of Ontario.

7. No debentures shall be issued or sold until the Trustees of the Welland-Crowland Health and Recreational Centre certify to the Council of the City Corporation that they have raised by public subscription the sum of not less than that intended to be raised by this By-law.

READ a first time, read a second time and referred to the Electors this 21st day of February, A.D. 1944.

T. H. LEWIS,
Mayor.

(Seal)

J. D. WATT,
City Clerk.

SCHEDULE B

BY-LAW NUMBER 1404

A by-law to confirm and authorize the execution of the Agreement dated the 21st day of February, 1944, between the Corporation of the City of Welland and the Welland-Crowland Health and Recreational Centre.

WHEREAS the Council of the Corporation of the City of Welland has been approached by the Welland-Crowland Health and Recreational Centre which has requested the Council to grant to the Welland-Crowland Health and Recreational Centre a sum not exceeding Fifty Thousand Dollars (\$50,000.00) to aid in the construction of an Arena for the purpose of providing proper facilities for recreation and sports and a forum for public gatherings.

AND WHEREAS the Council of the Corporation of the City of Welland has passed By-law Number 0000, being a by-law to authorize the issue of debentures for \$50,000.00 for granting aid to the Welland-Crowland Health and Recreational Centre, which is to be submitted on March 23rd, 1944, to the electors entitled to vote on money by-laws.

AND WHEREAS it is deemed expedient to enter into an Agreement expressing the manner in which the said Welland-Crowland Health and Recreational Centre is to be constructed, the terms and conditions under which it is to be managed, regulated and controlled by the Board, and the manner in which the said sum is to be granted to the said Welland-Crowland Health and Recreational Centre.

NOW THEREFORE the Municipal Council of the Corporation of the City of Welland enacts as follows:—

1. That the Mayor and Clerk be and they are hereby authorized and instructed to sign and attach the seal of the Corporation to the Agreement entered into between the Corporation of the City of Welland and The Welland-Crowland Health and Recreational Centre dated the 21st day of February, 1944, a copy of which said Agreement is hereunto annexed.

READ a first time, read a second time and read a third time and finally passed in Council this 21st day of February, 1944.

T. H. LEWIS,
Mayor.

J. D. WATT,
Clerk.

THIS AGREEMENT made this 21st day of February, A.D. 1944,

BETWEEN:

THE CORPORATION OF THE CITY OF WELLAND, herein-
after called the "Corporation"

OF THE FIRST PART;

—and—

THE WELLAND-CROWLAND HEALTH AND RECREATIONAL
CENTRE, hereinafter called the "Centre"

OF THE SECOND PART;

WHEREAS the Council of the Corporation has passed By-law Number 1402, "A By-law to authorize the Issue of Debentures for Fifty Thousand Dollars (\$50,000.00) for granting Aid to the Welland-Crowland Health and Recreational Centre", which is to be submitted on March 23rd, 1944, to the votes of the Electors entitled to vote on Money By-laws, and proposes, upon receipt of a Certificate from the Trustees of the Centre to the effect that at least Fifty Thousand Dollars (\$50,000.00) or more has been received by it from public subscriptions, to grant Aid to the said Centre in a sum not exceeding Fifty Thousand Dollars (\$50,000.00) to be paid to the Trustees of the Centre as herein provided, to construct an Arena for the purpose of providing proper facilities for recreation and sports for the children, youth, Industrial workers and citizens generally, and a forum for public gatherings.

AND WHEREAS the first unit of the Welland-Crowland Health and Recreational Centre is to consist of an Arena to be used for Winter Sports and for such other purposes to which it may be adapted.

AND WHEREAS the Council intends to apply to the Legislative Assembly of the Province of Ontario for authority to issue the said Debentures and to grant the said sum to the Centre and to enter into this Agreement.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and of the covenants hereinafter to be performed, the parties hereby covenant and agree as follows:

1. Upon receipt of a Certificate from the Trustees of the said Centre certifying that the said Trustees have received from public subscription the sum of at least Fifty Thousand Dollars (\$50,000.00) or more to construct said unit for the purpose of providing proper facilities for recreation and sports for the children, youth, Industrial workers and citizens generally and a forum for public gatherings, the Council of the Corporation of the City of Welland shall grant to the said Trustees a sum not exceeding Fifty Thousand Dollars (\$50,000.00) to be used for such purpose.

2. A Committee known as the "Building Committee" composed of three Members of the said Centre nominated by the said Centre and four Members of the Council nominated by the Council shall then be appointed.

3. The first Meeting of the Building Committee shall be called by the Mayor within one month from the date hereof, and at that Meeting and at all necessary adjournments thereof, the Building Committee shall by regulations duly enacted thereat, provide for the conduct of its own affairs.

4. The duties of the Building Committee shall be to:

- (1) Recommend to the Board of Directors of the Centre and the Council of the Corporation the approval and adoption of the Plans and Specifications as submitted to it by the Committee of the Centre in charge of obtaining Plans and Specifications.
- (2) Call for Tenders thereon and let such contract or contracts as it may deem advisable upon obtaining the approval and adoption of the said Plans and Specifications.

Approved 23/2/44. "R. B. LAW," Solicitor for the "Centre."

- (3) Supervise the construction of the unit pursuant to the Plans and Specifications as finally approved.
- (4) Make monthly written reports, accompanied by a report from the Architect or Engineer, to the Trustees of the Centre stating the progress made in the construction of the unit and recommending any payments due to a Contractor or any other person entitled thereto.
5. Upon receipt by the Treasurer of the Corporation of a duplicate Certificate and Report as furnished by the Building Committee to the Trustees of the Centre, the Treasurer shall pay to the Trustees of the Centre one-half of the monies recommended to be paid to a Contractor or any other person entitled thereto until the amount hereby agreed to be given shall have been exhausted.
6. No substantial alteration, modification or change or any alteration, modification or change involving any expenditure exceeding One Hundred Dollars (\$100.00) shall be made by the Building Committee in the Plans and Specifications finally approved and upon which the contracts are let without the approval of the Board of Directors of the Centre and the Council of the Corporation as expressed by Resolution thereof.
7. Before any authorization is given for the commencement of any work upon the said unit, the Centre shall convey or cause to be conveyed to the said Corporation all lands used or to be used in connection with said first unit free and clear of all encumbrances, and the Corporation shall not be obliged to advance any portion of the said sum of \$50,000.00 until such conveyance is delivered to the said Corporation.
8. Upon completion of the said unit, the Centre shall assign and transfer all its machinery, equipment and other chattels used in connection with the said unit to the said Corporation free of any liens as aforesaid.
9. Prior to the completion of the said unit, there shall be constituted a Board to be known as the Board of Trustees and Managers of the Welland-Crowland Health and Recreational Centre, hereinafter referred to as the "Board".
10. The Board shall consist of three Members of the said Centre nominated annually by the said Centre and four Members of the Council nominated annually by the Council to hold office only so long as he is also a Member of Council. Nominations shall be made in the month of April to be effective as of the 31st of May in each year, the tenure of office of the Board to be from the 1st day of June to the 31st day of May of the next succeeding year or until their successors shall have been appointed.
11. The general management, regulation and control of the said unit shall be vested by the Centre in and shall be exercised by the Board, and it shall be the duty of the Board to manage, regulate and control the said unit in accordance with the terms of this Agreement and the Board shall properly maintain the said unit and the grounds thereof.
12. Such portion of the funds remaining in the hands of the Trustees of the Centre and raised for the purpose of constructing the said unit shall be transferred to the said Board to be used by it for the purpose of operating and maintaining the said unit.
13. The first meeting of the Board shall be called by the Mayor of the City of Welland as Chairman, at which Meeting the Board shall by regulations duly enacted, provide for the conduct of its affairs.
14. The Board shall fix and be entitled to charge and collect such rates, fees or amounts as it may deem advisable for the use of or admission to the said unit.
15. Any surplus resulting from the year's operations shall at the end of the Fiscal year be turned over to the Trustees of the Centre, less such an amount for future operations as the Board may indicate.
16. Any surplus from operations after setting up all proper reserves

not used or set aside by the Trustees of the Centre for such of its purposes and objects to be carried on within the City of Welland and the Township of Crowland shall, from time to time, be paid over to the Corporation.

17. The Fiscal Year for the purposes of the general management of the said unit shall end on the 30th day of April in each year.

18. The Board shall meet at least once every three months and more frequently if so desired, and there shall be furnished at each such quarterly meeting the Financial Statement of the said unit.

19. The Council of the Corporation shall, upon a Member of the Board not being also a Member of the Council, appoint a new Member to fill the vacancy and such new Member shall hold office until the nomination of a new Board, provided that nothing herein shall prevent such Member being nominated a Member of the new Board. This provision shall apply also to the Building Committee.

20. The Board shall appoint annually a Public Accountant to audit the books of the said unit.

21. The Members of the Building Committee and the Members of the Board shall serve without remuneration but may employ such professional assistance as they may deem necessary.

22. Either party may at its own pleasure recall any or all of its Nominees and may substitute others, due notice of any recall being given to the Chairman of the Committee or Board to be so affected.

23. The Board shall have power to pass By-Laws not contrary to this Agreement to regulate and govern the conduct in all particulars of the affairs of the Board.

24. The Board shall have all the powers necessary to the carrying out of the terms of this Agreement and in the general management, regulation and control of the said unit, and where the provisions of any Public or Private Act shall be in conflict with this Agreement, the provisions of this Agreement shall apply.

25. This Agreement may be amended at any time and from time to time by the mutual consent of the parties hereto expressed by By-Law of the Council of the Corporation and by Resolution of the Welland-Crowland Health and Recreational Centre, provided such amendment receives all necessary approvals.

26. All expenses and disbursements involved in the preparation of all By-Laws, Agreements, Elections, Bills and approvals and applications necessary or incidental to the said grant of Fifty Thousand Dollars herein provided shall be deductible by the Corporation out of any sum hereby granted to the said Centre.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their respective Corporate Seals under the hands of their duly authorized Officers.

SIGNED, SEALED AND DELIVERED

In the presence of:

THE CORPORATION OF THE CITY
OF WELLAND

Per T. H. LEWIS,
Mayor.

Per J. D. WATT,
Clerk.

WELLAND-CROWLAND HEALTH
AND RECREATIONAL CENTRE

Per D. W. LATHROP,
Vice-President.
(Seal)

Per J. HALL,
Secretary.
(Seal)

An Act respecting the City of Welland.

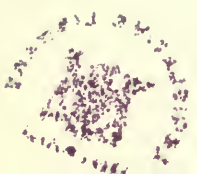
1st Reading

2nd Reading

3rd Reading

MR. BROWN

(*Private Bill*)



1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act respecting the City of Welland.

MR. BROWN

BILL

An Act respecting the City of Welland.

Preamble.

WHEREAS the Corporation of the City of Welland has by its petition prayed for special legislation in respect of the Welland-Crowland Health and Recreational Centre; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Power to acquire lands for recreational purposes.

1. Subject to the approval of the Ontario Municipal Board, the Corporation of the City of Welland may acquire lands, by expropriation if necessary, which may be required to provide proper facilities for recreation and sports for the youth and industrial workers and the citizens of the City of Welland and a forum for public gatherings.

Debenture by-law 1402 validated.

2. Subject to the approval of the Ontario Municipal Board, by-law number 1402 passed by the council of the Corporation of the City of Welland on the 24th day of March, 1944, set out as schedule A hereto, authorizing the issue of debentures for \$50,000 to provide aid in the construction of an arena as a unit of the Welland-Crowland Health and Recreational Centre is hereby confirmed and declared to be legal, valid and binding upon the Corporation and the rate-payers thereof.

Board of management for arena.

3. The general management, regulation and control of the said arena is hereby vested in a board to be known as "The Board of Trustees and Managers of the Welland-Crowland Health and Recreational Centre."

By-law 1404 and agreement validated.

4. By-law number 1404 passed by the council of the Corporation of the City of Welland on the 21st day of February, 1944, set out as Schedule B hereto, authorizing the execution of an agreement between the Corporation and the Welland-Crowland Health and Recreational Centre to provide for the general management, regulation, control and financing

of the said arena is hereby confirmed and declared to be legal, valid and binding upon the Corporation and the ratepayers thereof, and the said agreement, a copy of which is annexed to the said by-law, is hereby confirmed and declared to be legal, valid and binding upon the Corporation and the ratepayers thereof and the said Welland-Crowland Health and Recreational Centre.

5. This Act may be cited as *The City of Welland Act, 1944*. Short title.

SCHEDULE A

BY-LAW NUMBER 1402

A by-law to authorize the issue of debentures for \$50,000.00 for granting aid to the Welland-Crowland Health and Recreational Centre.

WHEREAS the Welland-Crowland Health and Recreational Centre is a Charitable Organization for the purposes of organizing such activities tending to promotion of the health, social welfare and recreation of the people of the City of Welland and the Township of Crowland and is composed of the citizens and Societies interested in the said objects.

AND WHEREAS the Council of the Corporation of the City of Welland has been approached by the Welland-Crowland Health and Recreational Centre which has requested the Council to grant to the Welland-Crowland Health and Recreational Centre a sum not exceeding Fifty Thousand Dollars (\$50,000.00) to aid in the construction of an Arena for the purpose of providing proper facilities for recreation and sports and a forum for public gatherings.

AND WHEREAS it is provided by Section 404, paragraph 5 of The Municipal Act, being Chapter 266 of the Revised Statutes of Ontario, 1937, that by-laws may be passed by the Councils of all Municipalities for granting aid to any Charitable Institution.

AND WHEREAS the Council deems it expedient in the interests of the community at large to further the requests of the Welland-Crowland Health and Recreational Centre with a view to providing such facilities for the children, youth, industrial workers and citizens generally.

AND WHEREAS the Welland-Crowland Health and Recreational Centre has received by public subscription a sum at least equal to and in excess of that sought to be raised under this by-law and requests the Council of the Corporation of the City of Welland to submit a by-law to the electors entitled to vote on money by-laws for the purpose of obtaining their assent to the issue of debentures for the sum of Fifty Thousand Dollars (\$50,000.00) for the purposes aforesaid.

AND WHEREAS the Council deems it expedient to submit this by-law and, if assented to, to validate it by special legislation to issue debentures for the sum of Fifty Thousand Dollars (\$50,000.00) to grant to the Welland-Crowland Health and Recreational Centre for the purpose aforesaid, which amount with interest thereon is the maximum amount of the debt to be created by this by-law.

AND WHEREAS it is deemed expedient to make the principal re-payable in equal annual instalments during the period of five years from the date of the issue of the said Debentures with interest thereon at the rate of three percent (3%) per annum.

AND WHEREAS it will be necessary to raise annually during the said period of five years to pay the said annual instalments of principal and interest as they become due and payable the amounts hereinafter specified by a special rate sufficient therefor over and above all other rates on all the rateable property in the Municipality.

AND WHEREAS the amount of the whole rateable property in the City of Welland according to the last Revised Assessment Roll is \$11,394,955.00.

AND WHEREAS the amount of the existing Debenture debt of the Corporation is \$874,289.57, exclusive of Local Improvement debts, secured by special rates or assessments and other indebtedness which by the provisions of certain Statutes of the Province of Ontario is not to be reckoned in ascertaining whether the limit of the borrowing power of the Corporation has been reached, and no part of the principal or interest thereon is in arrears.

NOW ~~THEREFORE~~ the Municipal Council of the Corporation of the City of Welland enacts as follows:—

1. That for the purpose aforesaid, it shall be lawful for the Council of the Corporation of the City of Welland to borrow upon Debentures of the Corporation the sum of Fifty Thousand Dollars (\$50,000.00) and Debentures shall be made and issued therefor in sums of not less than One Hundred Dollars (\$100.00) each, which Debentures shall be signed by the Mayor and countersigned by the Treasurer of the said City and sealed with the Corporate Seal.

2. The said Debentures shall all bear the same date and shall be issued within two years after the day on which this by-law is passed and may bear any date within such two years, and shall be payable in five equal annual instalments during the five years next after the time when the same are issued, and the respective amounts of principal and interest payable in each of such years shall be as follows:

Year	Principal	Interest	Total
1	\$ 9,417.72	\$1,500.00	\$10,917.72
2	9,700.26	1,217.46	10,917.72
3	9,991.27	926.45	10,917.72
4	10,291.01	626.71	10,917.72
5	10,599.74	317.98	10,917.72
Total.....	\$50,000.00	\$4,588.60	\$54,588.60

3. The said Debentures shall bear interest at the rate of three per cent (3%) per annum, payable half yearly during the currency thereof and shall have attached to them coupons for payment of the said interest, with a facsimile of the signature of the Treasurer engraved thereon.

4. The Debentures both as to principal and interest shall be payable at the Office of the Treasurer of the said Corporation in the City of Welland.

5. During the currency of the said Debentures, there shall be raised annually in respect thereof by special rates sufficient therefor over and above all other rates on the whole rateable property in the City of Welland amounts in each of the said before mentioned years respectively as are required to meet the annual instalments of principal and interest due in each year and as shown and set forth in the foregoing table.

6. This By-law shall not come into force or effect until assented to by the electors entitled to vote on money by-laws and validated by a Special Act of the Legislative Assembly of the Province of Ontario.

7. No debentures shall be issued or sold until the Trustees of the Welland-Crowland Health and Recreational Centre certify to the Council of the City Corporation that they have raised by public subscription the sum of not less than that intended to be raised by this By-law.

READ a first time, read a second time and referred to the Electors this 21st day of February, A.D. 1944.

T. H. LEWIS,
Mayor.

(Seal)

J. D. WATT,
City Clerk.

SCHEDULE B

BY-LAW NUMBER 1404

A by-law to confirm and authorize the execution of the Agreement dated the 21st day of February, 1944, between the Corporation of the City of Welland and the Welland-Crowland Health and Recreational Centre.

WHEREAS the Council of the Corporation of the City of Welland has been approached by the Welland-Crowland Health and Recreational Centre which has requested the Council to grant to the Welland-Crowland Health and Recreational Centre a sum not exceeding Fifty Thousand Dollars (\$50,000.00) to aid in the construction of an Arena for the purpose of providing proper facilities for recreation and sports and a forum for public gatherings.

AND WHEREAS the Council of the Corporation of the City of Welland has passed By-law Number 0000, being a by-law to authorize the issue of debentures for \$50,000.00 for granting aid to the Welland-Crowland Health and Recreational Centre, which is to be submitted on March 23rd, 1944, to the electors entitled to vote on money by-laws.

AND WHEREAS it is deemed expedient to enter into an Agreement expressing the manner in which the said Welland-Crowland Health and Recreational Centre is to be constructed, the terms and conditions under which it is to be managed, regulated and controlled by the Board, and the manner in which the said sum is to be granted to the said Welland-Crowland Health and Recreational Centre.

NOW THEREFORE the Municipal Council of the Corporation of the City of Welland enacts as follows:—

1. That the Mayor and Clerk be and they are hereby authorized and instructed to sign and attach the seal of the Corporation to the Agreement entered into between the Corporation of the City of Welland and The Welland-Crowland Health and Recreational Centre dated the 21st day of February, 1944, a copy of which said Agreement is hereunto annexed.

READ a first time, read a second time and read a third time and finally passed in Council this 21st day of February, 1944.

T. H. LEWIS,
Mayor.

J. D. WATT,
Clerk.

THIS AGREEMENT made this 21st day of February, A.D. 1944,
 BETWEEN:
 THE CORPORATION OF THE CITY OF WELLAND, herein-
 after called the "Corporation"
 —and—
 THE WELLAND-CROWLAND HEALTH AND RECREATIONAL
 CENTRE, hereinafter called the "Centre"

OF THE FIRST PART;

OF THE SECOND PART;

WHEREAS the Council of the Corporation has passed By-law Number 1402, "A By-law to authorize the Issue of Debentures for Fifty Thousand Dollars (\$50,000.00) for granting Aid to the Welland-Crowland Health and Recreational Centre", which is to be submitted on March 23rd, 1944, to the votes of the Electors entitled to vote on Money By-laws, and proposes, upon receipt of a Certificate from the Trustees of the Centre to the effect that at least Fifty Thousand Dollars (\$50,000.00) or more has been received by it from public subscriptions, to grant Aid to the said Centre in a sum not exceeding Fifty Thousand Dollars (\$50,000.00) to be paid to the Trustees of the Centre as herein provided, to construct an Arena for the purpose of providing proper facilities for recreation and sports for the children, youth, Industrial workers and citizens generally, and a forum for public gatherings.

AND WHEREAS the first unit of the Welland-Crowland Health and Recreational Centre is to consist of an Arena to be used for Winter Sports and for such other purposes to which it may be adapted.

AND WHEREAS the Council intends to apply to the Legislative Assembly of the Province of Ontario for authority to issue the said Debentures and to grant the said sum to the Centre and to enter into this Agreement.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and of the covenants hereinafter to be performed, the parties hereby covenant and agree as follows:

1. Upon receipt of a Certificate from the Trustees of the said Centre certifying that the said Trustees have received from public subscription the sum of at least Fifty Thousand Dollars (\$50,000.00) or more to construct said unit for the purpose of providing proper facilities for recreation and sports for the children, youth, Industrial workers and citizens generally and a forum for public gatherings, the Council of the Corporation of the City of Welland shall grant to the said Trustees a sum not exceeding Fifty Thousand Dollars (\$50,000.00) to be used for such purpose.

2. A Committee known as the "Building Committee" composed of three Members of the said Centre nominated by the said Centre and four Members of the Council nominated by the Council shall then be appointed.

3. The first Meeting of the Building Committee shall be called by the Mayor within one month from the date hereof, and at that Meeting and at all necessary adjournments thereof, the Building Committee shall by regulations duly enacted thereat, provide for the conduct of its own affairs.

4. The duties of the Building Committee shall be to:

- (1) Recommend to the Board of Directors of the Centre and the Council of the Corporation the approval and adoption of the Plans and Specifications as submitted to it by the Committee of the Centre in charge of obtaining Plans and Specifications.
- (2) Call for Tenders thereon and let such contract or contracts as it may deem advisable upon obtaining the approval and adoption of the said Plans and Specifications.

Approved 23/2/44. "R. B. LAW," Solicitor for the "Centre."

- (3) Supervise the construction of the unit pursuant to the Plans and Specifications as finally approved.
- (4) Make monthly written reports, accompanied by a report from the Architect or Engineer, to the Trustees of the Centre stating the progress made in the construction of the unit and recommending any payments due to a Contractor or any other person entitled thereto.
5. Upon receipt by the Treasurer of the Corporation of a duplicate Certificate and Report as furnished by the Building Committee to the Trustees of the Centre, the Treasurer shall pay to the Trustees of the Centre one-half of the monies recommended to be paid to a Contractor or any other person entitled thereto until the amount hereby agreed to be given shall have been exhausted.
6. No substantial alteration, modification or change or any alteration, modification or change involving any expenditure exceeding One Hundred Dollars (\$100.00) shall be made by the Building Committee in the Plans and Specifications finally approved and upon which the contracts are let without the approval of the Board of Directors of the Centre and the Council of the Corporation as expressed by Resolution thereof.
7. Before any authorization is given for the commencement of any work upon the said unit, the Centre shall convey or cause to be conveyed to the said Corporation all lands used or to be used in connection with said first unit free and clear of all encumbrances, and the Corporation shall not be obliged to advance any portion of the said sum of \$50,000.00 until such conveyance is delivered to the said Corporation.
8. Upon completion of the said unit, the Centre shall assign and transfer all its machinery, equipment and other chattels used in connection with the said unit to the said Corporation free of any liens as aforesaid.
9. Prior to the completion of the said unit, there shall be constituted a Board to be known as the Board of Trustees and Managers of the Welland-Crowland Health and Recreational Centre, hereinafter referred to as the "Board".
10. The Board shall consist of three Members of the said Centre nominated annually by the said Centre and four Members of the Council nominated annually by the Council to hold office only so long as he is also a Member of Council. Nominations shall be made in the month of April to be effective as of the 31st of May in each year, the tenure of office of the Board to be from the 1st day of June to the 31st day of May of the next succeeding year or until their successors shall have been appointed.
11. The general management, regulation and control of the said unit shall be vested by the Centre in and shall be exercised by the Board, and it shall be the duty of the Board to manage, regulate and control the said unit in accordance with the terms of this Agreement and the Board shall properly maintain the said unit and the grounds thereof.
12. Such portion of the funds remaining in the hands of the Trustees of the Centre and raised for the purpose of constructing the said unit shall be transferred to the said Board to be used by it for the purpose of operating and maintaining the said unit.
13. The first meeting of the Board shall be called by the Mayor of the City of Welland as Chairman, at which Meeting the Board shall by regulations duly enacted, provide for the conduct of its affairs.
14. The Board shall fix and be entitled to charge and collect such rates, fees or amounts as it may deem advisable for the use of or admission to the said unit.
15. Any surplus resulting from the year's operations shall at the end of the Fiscal year be turned over to the Trustees of the Centre, less such an amount for future operations as the Board may indicate.
16. Any surplus from operations after setting up all proper reserves

not used or set aside by the Trustees of the Centre for such of its purposes and objects to be carried on within the City of Welland and the Township of Crowland shall, from time to time, be paid over to the Corporation.

17. The Fiscal Year for the purposes of the general management of the said unit shall end on the 30th day of April in each year.

18. The Board shall meet at least once every three months and more frequently if so desired, and there shall be furnished at each such quarterly meeting the Financial Statement of the said unit.

19. The Council of the Corporation shall, upon a Member of the Board not being also a Member of the Council, appoint a new Member to fill the vacancy and such new Member shall hold office until the nomination of a new Board, provided that nothing herein shall prevent such Member being nominated a Member of the new Board. This provision shall apply also to the Building Committee.

20. The Board shall appoint annually a Public Accountant to audit the books of the said unit.

21. The Members of the Building Committee and the Members of the Board shall serve without remuneration but may employ such professional assistance as they may deem necessary.

22. Either party may at its own pleasure recall any or all of its Nominees and may substitute others, due notice of any recall being given to the Chairman of the Committee or Board to be so affected.

23. The Board shall have power to pass By-Laws not contrary to this Agreement to regulate and govern the conduct in all particulars of the affairs of the Board.

24. The Board shall have all the powers necessary to the carrying out of the terms of this Agreement and in the general management, regulation and control of the said unit, and where the provisions of any Public or Private Act shall be in conflict with this Agreement, the provisions of this Agreement shall apply.

25. This Agreement may be amended at any time and from time to time by the mutual consent of the parties hereto expressed by By-Law of the Council of the Corporation and by Resolution of the Welland-Crowland Health and Recreational Centre, provided such amendment receives all necessary approvals.

26. All expenses and disbursements involved in the preparation of all By-Laws, Agreements, Elections, Bills and approvals and applications necessary or incidental to the said grant of Fifty Thousand Dollars herein provided shall be deductible by the Corporation out of any sum hereby granted to the said Centre.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their respective Corporate Seals under the hands of their duly authorized Officers.

SIGNED, SEALED AND DELIVERED

In the presence of:

THE CORPORATION OF THE CITY
OF WELLAND

Per T. H. LEWIS,
Mayor.

Per J. D. WATT,
Clerk.

WELLAND-CROWLAND HEALTH
AND RECREATIONAL CENTRE

Per D. W. LATHROP,
Vice-President.
(Seal)

Per J. HALL,
Secretary.
(Seal)



An Act respecting the City of Welland.

1st Reading

March 21st, 1944

2nd Reading

March 29th, 1944

3rd Reading

March 31st, 1944

MR. BROWN

No. 19

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act respecting the City of Ottawa Public School Board.

MR. ACRES

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



No. 19

1944

BILL

An Act respecting the City of Ottawa Public School Board.

Preamble.

WHEREAS the City of Ottawa Public School Board has by its petition represented that it is expedient to provide for the election of its members as hereinafter set forth to hold office for the term hereinafter provided; and whereas it is expedient to grant the prayer of the said Petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Public
School
Board,—
elections.

Rev. Stat.,
c. 357.

Rev. Stat.,
c. 266.

1. Notwithstanding the provisions of *The Public Schools Act*, an election by general vote and by ballot for the nine trustees of The City of Ottawa Public School Board to hold office for the periods hereinafter mentioned shall be held in the year 1944, at the same time and place and by the same returning officer or officers and conducted in the same manner as the municipal nominations and elections in and for the City of Ottawa of aldermen, and the provisions of *The Municipal Act* respecting the time and manner of holding the election, including the method of receiving nominations for office and the resignation of persons nominated, vacancies and declarations of qualification of office shall apply *mutatis mutandis* to such election.

Acclamation.

2. If at the nomination meeting for the first election of trustees by general vote no more candidates are nominated for office than the nine who are to be elected and those nominated are declared to be elected, the five of them who have the highest rateable assessments as ascertained from the last revised assessment roll of the municipality shall hold office for four years and the remaining four of them shall hold office for two years, each of them, however, holding office until his successor is elected and takes office.

First
election.

3. At the first election of trustees by general vote, other than in the case provided for in section 2, the five persons receiving the highest number of votes shall hold office for

four years and the remaining four elected shall hold office for two years, each of them however holding office until his successor is elected and takes office.

Subsequent
elections.

4. After such first election there shall be elected every two years by vote of the electors of the whole municipality a sufficient number of trustees for a term of four years to take the place of those whose term of office has expired, and such trustees shall hold office until their successors are elected.

Present
trustees.

5. Upon the organization of the Board elected as aforesaid, the term of office of all trustees elected prior to the said election shall, notwithstanding anything to the contrary in *The Public Schools Act*, expire.

Rev. Stat.
c. 357.

Commence-
ment of Act.

6. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

7. This Act may be cited as *The City of Ottawa Public School Board Act, 1944*.



An Act respecting the City of Ottawa
Public School Board.

1st Reading

2nd Reading

3rd Reading

MR. ACRES

(Private Bill)

No. 19

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act respecting the City of Ottawa Public School Board.

MR. ACRES

BILL

An Act respecting the City of Ottawa Public School Board.

Preamble.

WHEREAS the City of Ottawa Public School Board has by its petition represented that it is expedient to provide for the election of its members as hereinafter set forth to hold office for the term hereinafter provided; and whereas it is expedient to grant the prayer of the said Petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Public
School
Board,—
elections.

Rev. Stat.,
c. 357.

Rev. Stat.,
c. 266.

1. Notwithstanding the provisions of *The Public Schools Act*, an election by general vote and by ballot for the nine trustees of The City of Ottawa Public School Board to hold office for the periods hereinafter mentioned shall be held in the year 1944, at the same time and place and by the same returning officer or officers and conducted in the same manner as the municipal nominations and elections in and for the City of Ottawa of aldermen, and the provisions of *The Municipal Act* respecting the time and manner of holding the election, including the method of receiving nominations for office and the resignation of persons nominated, vacancies and declarations of qualification of office shall apply *mutatis mutandis* to such election.

Acclamation.

2. If at the nomination meeting for the first election of trustees by general vote no more candidates are nominated for office than the nine who are to be elected and those nominated are declared to be elected, the five of them who have the highest rateable assessments as ascertained from the last revised assessment roll of the municipality shall hold office for four years and the remaining four of them shall hold office for two years, each of them, however, holding office until his successor is elected and takes office.

First
election.

3. At the first election of trustees by general vote, other than in the case provided for in section 2, the five persons receiving the highest number of votes shall hold office for

four years and the remaining four elected shall hold office for two years, each of them however holding office until his successor is elected and takes office.

4. After such first election there shall be elected every ^{Subsequent elections.} two years by vote of the electors of the whole municipality a sufficient number of trustees for a term of four years to take the place of those whose term of office has expired, and such trustees shall hold office until their successors are elected.

5. Upon the organization of the Board elected as aforesaid, ^{Present trustees.} the term of office of all trustees elected prior to the said election shall, notwithstanding anything to the contrary in *The Public Schools Act*, expire. ^{Rev. Stat. c. 357.}

6. This Act shall come into force on the day upon which it ^{Commence-ment of Act.} receives the Royal Assent.

7. This Act may be cited as *The City of Ottawa Public School Board Act, 1944.* ^{Short title.}

An Act respecting the City of Ottawa
Public School Board.

1st Reading

March 7th, 1944

2nd Reading

March 17th, 1944

3rd Reading

March 21st, 1944

MR. ACRES

No. 20

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act respecting the City of Toronto.

MR. PORTER

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the City of Toronto.

Preamble.

WHEREAS the Corporation of the City of Toronto has by its petition prayed for special legislation in respect of the several matters hereinafter set forth, and whereas it is expedient to grant the prayer of the said petition:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Pension
contribu-
tions.

Rev. Stat.,
c. 266.

1. Subject to the provisions of *The Municipal Act*, the council of the Corporation may provide for the payment of any superannuation, pension, or benefit fund contribution of any member of the armed forces of Canada, the British Empire, or any part or ally thereof, or of a member of the fire department who leaves the service for the purpose of assisting the allied forces in fire fighting and who at the time of joining such armed forces or fire fighting service was an officer or servant of the Corporation or a local board within the meaning of *The Department of Municipal Affairs Act*.

Rev. Stat.,
c. 59.

Ferry
service,—
operation of.
1920,
c. 144, s. 10,
amended.

2.—(1) Section 10 of *An Act respecting the City of Toronto* passed in the tenth and eleventh years of the reign of His late Majesty King George V as chapter 144 is amended by inserting after the word "busses" in the third line, the words "ferry service and other water-borne transportation within the City".

Idem.

1929,
c. 124.

1936,
c. 84.

(2) Nothing contained in the agreement between the Corporation and the Toronto Transportation Commission set out as Schedule "B" to *An Act respecting the City of Toronto* passed in the nineteenth year of the reign of His late Majesty King George V as chapter 124, and finally validated by section 4 of *The City of Toronto Act, 1936*, shall prevent the effective operation of subsection 1, upon the council passing a by-law entrusting to the Toronto Transportation Commission the construction, control, maintenance, operation and management of ferry service and other water-borne transportation within the City.

Where cost
of street
work to be
borne by
T.T.C.

Rev. Stat.,
c. 269.

Rev. Stat.,
cc. 266,
280.

Housing
projects.

3. Notwithstanding the provisions of *The Local Improvement Act*, where the cost of the work is borne by the Toronto Transportation Commission, the Corporation may without local assessment of cost, open, widen, extend, alter, grade, alter the grade of, divert, improve a street and open or establish a new street, and may acquire or expropriate the necessary lands therefor; and may construct a pavement, sidewalk, sewer and necessary drainage facilities, and reconstruct, resurface or widen an existing pavement; and the said Commission is hereby authorized to provide money for any of the said works, and the provisions of *The Municipal Act* and *The Municipal Arbitrations Act* shall *mutatis mutandis* apply.

4.—(1) The council of the Corporation may,—

- (a) purchase, lease, acquire or expropriate land and buildings within the municipality for housing projects, and may alter, repair, construct housing accommodation and manage, lease and sell the same on such terms and to such persons or classes of persons as the council may decide;
- (b) enter into agreements with any government or person, other than a municipal corporation, for the repair, alteration, construction, operation, management, and for sharing the costs of such housing projects.

Borrowing
powers.

(2) Subject to the approval of the Ontario Municipal Board, the council of the Corporation may, without obtaining the assent of the electors, pass by-laws from time to time for borrowing on the general credit of the Corporation such moneys as the council may require for the purposes of this section.

Designation
of lands.

(3) The council of the Corporation may by by-law designate land in any defined area or areas or abutting on any defined highway or part of a highway as land to be acquired for a housing project or for rehabilitation and shall within fifteen days after the passing of such by-law, register in the proper registry office such by-law and a draft plan of the contemplated work and furnish adequate local descriptions to comply with *The Registry Act*, and the registrar shall enter the same on the abstract index for each parcel of land required to be taken.

Rev. Stat.,
c. 170.

Ownership
or use of
land not
affected.

Exception.

(4) The passing of a by-law under subsection 3 shall not affect the ownership or use of the lands referred to therein, except that the actual value of such lands shall be determined according to the facts and circumstances as they existed at the date of the passing of the said by-law.

- Acquisition of lands. (5) The Corporation may within two years after the registration of a by-law passed under subsection 3 pass a further by-law or by-laws for acquiring or expropriating such land and the provisions of *The Municipal Act* and of *The Municipal Arbitrations Act* dealing with the acquisition of land shall *mutatis mutandis* apply.
- Rev. Stat., cc. 266, 280.
- Failure to proceed. (6) Unless within two years from the passing of a by-law under subsection 3 the Corporation acquires or expropriates the land designated therein the said by-law shall be deemed to be repealed and the registration thereof shall be deemed of no effect and the corporation shall forthwith cause a certificate signed by the mayor and clerk and sealed with the Corporation's seal stating that such land has not been acquired by expropriation or otherwise to be registered in the registry office.
- Compensation. (7) The Corporation shall make due compensation for actual damage resulting from the passing of a by-law under subsection 3, provided such land is not acquired or taken within two years from the passing thereof.
- Proviso.
- Toronto Housing Commission. (8) The council of the Corporation may by by-law authorize and empower The Toronto Housing Commission appointed pursuant to *The Toronto Housing Act* to carry out all or any of the provisions of this section.
- 1920, c. 145.
- Powers. (9) Any powers conferred upon the council of the Corporation or The Toronto Housing Commission by this section shall be in addition to and not in derogation of the powers of the said council by the said Commission under The Toronto Housing Act.
- Debentures,— payment of. 5.—(1) The council of the Corporation may pay in lawful money of the United States of America or of the Dominion of Canada at the fixed rate of exchange of \$4.86 $\frac{2}{3}$ to the £1 sterling the principal and interest as they respectively mature of the City of Toronto debentures for which special letters were issued by officers of the Corporation undertaking to make payment either in lawful money of the United States of America or in lawful money of the Dominion of Canada, or either, and in respect of which payment has been so made up to and including the 1st day of January, 1940.
- Idem. (2) The council of the Corporation may pay the difference between the amount due for interest on the debentures referred to in subsection 1 at \$4.43 to the £1 sterling and the amount due for interest in lawful money of the United States of America or in lawful money of the Dominion of Canada at the fixed rate of exchange of \$4.86 $\frac{2}{3}$ to the £1 sterling for the period from and including the 1st day of July, 1940, to and including the 1st day of January, 1944.

Public
hospital
authorized.
Rev. Stat.,
c. 390.

6. Subject to the provisions of *The Public Hospitals Act*, the Corporation may establish, erect, equip, maintain and operate a public hospital.

Grant of
Sunnybrook
Park to
Dominion
for military
hospital
authorized.

7.—(1) The council of the Corporation may grant and convey unto His Majesty the King in the right of the Dominion of Canada represented for such purpose by the Minister of Pensions and National Health, all the lands in the Township of North York in the County of York, known as "Sunnybrook Park" free from any trusts or obligations save as expressed in a consent, set out as schedule A hereto, from the residuary devisees under the last will and testament of the late Alice Margaret Kilgour to the Corporation of the City of Toronto, for use by His Majesty represented as aforesaid for military hospital purposes for the three armed services of Canada, the Navy, the Army and the Air Force, and for the erection and use of such other buildings as may be reasonably necessary for the purposes associated therewith, and such conveyance when made shall be legal, valid and binding upon all persons.

Grants in
aid of
military
hospitals
authorized.

(2) The council of the Corporation may from time to time grant aid for military hospital purposes.

Improve-
ment of
approaches
to Park
authorized.

(3) The council of the Corporation may, with the approval of the council of the Township of North York, at the expense of the Corporation at large and without local assessment, construct, widen, extend, alter the grade of, divert, improve or pave any street providing access to the lands known as Sunnybrook Park or may lay or construct on or in any such street any other services or facilities required in connection with such use of the said lands by His Majesty as aforesaid.

Debentures
authorized.

(4) The council of the Corporation may from time to time pass by-laws with the approval of the Ontario Municipal Board to authorize the issue of debentures to raise moneys for any of the purposes of this section.

Dominion,
John Inglis
Co. Ltd.,
C.N.R. and
Toronto
agreement
authorized.

8. The Corporation is hereby authorized to enter into the agreement with His Majesty the King, John Inglis Company Limited and Canadian National Railway Company, set forth as schedule B hereto, and upon the same being executed by the parties thereto, it shall be legal, valid and binding and the Corporation is hereby authorized to do all acts necessary to carry out the provisions thereof.

Through
highways.

Rev. Stat.,
c. 288.

9. Notwithstanding the provisions of *The Highway Traffic Act*, where a highway or part of a highway is designated by by-law of the Corporation as a through highway, any part thereof not marked in accordance with the regulations of the Department of Highways shall be deemed to be excepted from such designation.

Fixing of
building
lines.

10.—(1) The council of the Corporation may from time to time, as a preliminary step to the widening of any portion of a street or highway, pass a by-law or by-laws fixing as a building line the distance from the line of the street in front of it, or on which it abuts, at which any building to be thereafter erected fronting or abutting on such portion of the street or highway may be erected or placed, and for prohibiting the erection or placing of any such building, or portion of same, closer to the line of the street in front of it, or upon which it abuts, than the distance fixed by the by-law.

Compensa-
tion.

(2) In determining the compensation payable by the Corporation for the taking of lands for the widening of a portion of a street or highway in respect to which a building line has been fixed under this section, the Corporation shall not be liable to pay compensation for or in respect of any building erected in contravention of the by-law fixing the building line and the Corporation shall not be liable to pay any compensation or damages by reason of having passed a by-law under subsection 1.

Civic
parking
lots.

11. The council of the Corporation may pass by-laws for acquiring land for and establishing, improving and laying out lots or areas where vehicles may be parked and for regulating, governing and supervising the parking of vehicles therein and any such by-law may provide for charging and collecting a fee for such parking.

Approval of
building
plans.

12. The council of the Corporation may pass by-laws with respect to the erection, enlargement or external alteration of a building or structure, for requiring the plans to be approved as to external design and appearance by a committee of architects appointed by the council, and the issuing of a permit certifying such approval, and providing that any person may on notice to the municipality within ten days after the decision of the committee has been given, appeal such decision to a board of three persons, one nominated by the appellant, one nominated by the Ontario Association of Architects and the third to be appointed by the two so nominated, or if they are unable to agree, by a judge of the County Court of the County of York.

1938, c. 73,
s. 3, subs. 2,
pars. b and c
amended.

13. Paragraphs *b* and *c* of subsection 2 of section 3 of *The City of Toronto Act, 1938*, are amended by striking out the words "twenty-eight" wherever they appear in the said paragraphs and inserting in lieu thereof in each instance the words "thirty-two".

Improve-
ment works
for benefit
of City
at large.

14. The council of the Corporation may undertake, at the expense of the Corporation, any work or service which may be undertaken as a local improvement, where in the



opinion of the council the work or service is carried out for the benefit of the City at large.

1917,
c. 92, s. 13,
amended.

15. Section 13 of *An Act respecting the City of Toronto* passed in the seventh year of the reign of His late Majesty King George V, chapter 92, is amended by adding thereto the following paragraph:

Advances
to sinking
fund.

(d) Advance to the sinking fund from the funds of the Corporation any sums becoming due to the sinking fund within the year.

Commence-
ment of Act.

16. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

17. This Act may be cited as *The City of Toronto Act, 1944*.

SCHEDULE A

THIS AGREEMENT made in triplicate this 2nd day of November, 1943,
BETWEEN:

LORNA B. OSBORNE, HELEN M. COSTE, MARGARET A.
GREENE and KATHLEEN A. GRAND, hereinafter called
"the Parties of the First Part"

OF THE FIRST PART;

—and—

THE CORPORATION OF THE CITY OF TORONTO, herein-
after called "the City"

OF THE SECOND PART.

WHEREAS as appears by a certain conveyance dated the tenth day of May, 1928, Alice Margaret Kilgour, late of York Lodge in the Township of North York, widow, conveyed to the City for use as a public park for the inhabitants of the Municipality of the City of Toronto the lands therein described and hereinafter described in Schedule "A" hereto annexed upon the terms and conditions set forth in the said conveyance;

AND WHEREAS as appears by By-law No. 11700 passed by the Council of the City on the fourteenth day of May, 1928, the City accepted and took charge of the said lands for the purposes of a public park upon the terms and conditions set forth in the said conveyance;

AND WHEREAS the said Alice Margaret Kilgour died in the year 1938 and the Parties of the First Part are the sole and only devisees of the said lands under her last Will and Testament;

AND WHEREAS the City proposes to convey the said lands to His Majesty the King in the right of the Dominion of Canada represented for this purpose by The Honourable, The Minister of Pensions and National Health for the uses hereinafter set forth upon terms and conditions to be agreed upon;

AND WHEREAS the City has applied to the Parties of the First Part for their consent to this proposal and the Parties of the First Part have agreed to give such consent;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and the sum of One Dollar of lawful money of Canada now paid by the City to the Parties of the First Part (the receipt whereof is hereby acknowledged) the Parties of the First Part for themselves, their respective heirs, executors, administrators and assigns, hereby jointly and severally consent to the City granting to His Majesty the King in the right of the Dominion of Canada represented for this purpose by The Honourable, The Minister of Pensions and National Health the said lands described in the said Schedule "A" for use by such Grantee for military hospital purposes for the three armed services of Canada, namely: the Navy, the Army and the Air Force, and for the erection and use of such other buildings as may be reasonably necessary for purposes associated therewith, anything to the contrary in the said conveyance dated the tenth day of May, 1928, notwithstanding; provided however as follows:

(1) That the inhabitants of the municipality of the City of Toronto shall have access to such areas of the said lands as the said Minister may from time to time designate;

(2) That the said lands shall continue to be known as "Sunnybrook Park" and the memorial gates at the Bayview Entrance to the said lands, together with the bronze tablets attached thereto shall continue in place

and be maintained and repaired in accordance with the provision in that respect contained in the said conveyance dated the tenth day of May, 1928;

(3) That the Conveyance from the City to His Majesty the King in the right of the Dominion of Canada represented for such purpose by the Honourable the Minister of Pensions and National Health, of the said lands or part or parts thereof as the case may be, shall contain a covenant on the part of the Grantee that the Grantee will forthwith proceed with the preparation of all necessary plans and the calling of necessary tenders for the erection of buildings and other structures required to carry out the purposes hereinbefore set forth and that buildings operations will be commenced not later than the first day of April, 1944, and be carried through to completion as soon as possible thereafter;

(4) That upon failure to commence such building operations by the said first day of April, 1944, or upon the said lands or part or parts thereof as the case may be ceasing to be used by such Grantee for the purpose aforesaid, such lands or part or parts thereof as the case may be shall revert to and revest in the City for use as a public park for the inhabitants of the Municipality of the City of Toronto and shall be held by the City upon the terms and conditions contained in the said conveyance dated the tenth day of May, 1928; and

(5) That this consent shall apply only to such part or parts of the said lands as the said Minister from time to time may designate as being required for the aforesaid purposes or to the whole of the said lands if such Minister designates the same as being so required.

IN WITNESS WHEREOF the parties hereto have hereunto set their respective proper hands and seals.

SIGNED, SEALED AND DELIVERED

(Signed)

In the presence of

LORNA B. OSBORNE.

(Seal)

(Signed) D. GUTHRIE.

HELEN M. COSTE.

(Seal)

MARGARET A. GREENE.

(Seal)

(Signed) W. ANGUS,
as to KATHLEEN GRAND.

KATHLEEN A. GRAND.

(Seal)

Schedule "A"

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the Township of North York in the County of York and Province of Ontario being composed of parts of lots numbers two and three in the second concession east of Yonge Street in the said Township, which may be described as follows:

Firstly: The northerly half of the said lot number three excepting therefrom the lands conveyed to one H. A. Bruce by instrument number 8058.

Secondly: That part of the southerly half of the said lot number three lying to the east of the easterly boundary of the lands conveyed to one J. McCullough by instrument number 53137, and to the east of the easterly boundary of the lands conveyed to the said Joseph Kilgour by instrument number 139657.

Thirdly: That part of the northerly half of the said lot number two lying to the east of the easterly boundary of the lands conveyed to the said Joseph Kilgour by instrument number 139657.

All the said lands being as owned and occupied by Kilgour Bros. Limited on the first day of May, 1928.

SCHEDULE B

THIS AGREEMENT made the day of , 1944.

BETWEEN:

HIS MAJESTY THE KING in right of Canada, herein represented by the Minister of Munitions and Supply (hereinafter called "the Crown")

OF THE FIRST PART;

JOHN INGLIS COMPANY LIMITED (hereinafter called "the Inglis Company")

OF THE SECOND PART;

CANADIAN NATIONAL RAILWAY COMPANY (hereinafter called "the Railway Company")

OF THE THIRD PART;

—and—

THE CORPORATION OF THE CITY OF TORONTO (hereinafter called "the City")

OF THE FOURTH PART.

WHEREAS for some time past the lands designated on the plan hereto annexed, and herein referred to, as Parcels "A", "B" and "C" which have been expropriated by the Crown, and the buildings erected thereon and owned by the Crown, have been used for the purpose of manufacturing munitions of war for the Crown;

AND WHEREAS certain of the said lands were owned by the Railway Company prior to such expropriation;

AND WHEREAS the City has claimed the right to assess the said lands and buildings and also to assess the Inglis Company for business assessment in respect of the manufacturing operations carried on upon or in the same, and to levy taxes on the amounts of such assessments;

AND WHEREAS the right of the City to make such assessments has been disputed and assessments which have been made have been appealed against;

AND WHEREAS the parties hereto have agreed to settle the matters in dispute between them in the manner and upon the terms hereinafter set forth;

NOW THEREFORE THIS AGREEMENT WITNESSETH that the parties hereto mutually do agree, each with the other and others as follows:

1. All pending appeals against the assessment of the lands designated on the plan hereto annexed as Parcels "A", "B" and "C" or of the buildings thereon or of any of the said lands or buildings and all pending appeals against the assessment of the Inglis Company for business assessment in respect of the manufacturing operations carried on upon or in the said lands and buildings or any of them, shall be allowed without admission by the City that it had no right to make such assessments.

2. Any assessments which have been made in or since the year 1941 against the said lands or buildings or any of them, and any business assessments which have been made in or since the year 1941 against the Inglis Company in respect of the manufacturing operations carried on upon or in the said lands and buildings or any of them, shall be cancelled and no taxes shall be collected or payable by reason of any such assessments.

3. No assessment of any such parcel or of the buildings thereon and no business assessment of the Inglis Company in respect of the manufacturing operations carried on, upon or in such parcel or building shall hereafter be made so long as this agreement shall continue in force and be applicable to such parcel. (The provisions of this paragraph shall extend to any assessments which the City might otherwise have been entitled to make under Sec. 14 of The Assessment Act, R.S.O. 1937, ch. 272, with respect to any rights of way or other easements appurtenant to the said Parcels "A", "B" and "C" or any of them.)

4. Without admission of any right of the City to make assessments or business assessments, and levy taxes in accordance with its aforesaid claims, the Crown and/or the Inglis Company shall pay to the City in respect of the year 1942 and in respect of each year thereafter, so long as this agreement shall continue in force and be applicable to any one or more of the said parcels, a sum equal to the City's mill rate of taxation for such year upon the value or values of the lands, exclusive of any buildings thereon, comprised in the parcel or parcels to which this agreement still applies, such values to be as follows:

Parcel "A".....	\$ 11,160.00
Parcel "B".....	32,475.00
Parcel "C".....	220,554.00
	\$264,189.00

the amount to be so paid in respect of the year 1942 being the sum of \$8,612.56. The said sum of \$8,612.56 and the sum payable in respect of the year 1943 shall be paid upon the execution of this agreement by all parties and the sum payable in respect of each subsequent year shall be payable on the first day of May in such year. Each sum payable in respect of such subsequent year shall be a debt owing to the City the payment of which, in the event of default, may be enforced by legal proceedings in any Court of competent jurisdiction.

3. The provisions of this agreement shall continue in force and apply to each of the said Parcels "A", "B" and "C" and to the buildings thereon and to the manufacturing operations carried on upon or in the same, so long as such parcel continues to be used during the present war by any person, firm or corporation acting for or on behalf of the Crown, for the purposes of manufacturing, for the Crown, munitions of war or supplies as defined in the Department of Munitions and Supply Act, Statutes of Canada, 1939, Second Session, ch. 3 as amended. Upon any such parcel and the buildings thereon ceasing to be so used, this agreement shall cease to be in force as regards the said parcel and buildings or to apply thereto, and an adjustment shall be made of the sum payable hereunder in respect of such parcel in respect of the year in which such user shall have ceased, and the Crown and/or the Inglis Company shall be liable under this agreement for only a part of the sum to be paid in respect of that year as hereinbefore provided, such part to be proportionate to the part of such year during which such user shall have continued, and if such sum shall have already been paid to the City the City shall refund the remainder thereof to the party by whom the same was paid.

6. Notwithstanding any other provision of this agreement, whenever any parcel or the buildings thereon shall cease to be used in the manner and for the purpose aforesaid, the City shall thereupon become entitled to levy and collect such taxes in respect of the balance of the year in which the aforesaid user shall have ceased and in respect of subsequent years as it would have been entitled to levy and collect if this agreement had not been made.

7. The City covenants and agrees that during each year or part thereof in respect of which the Crown and/or the Inglis Company may be obligated to make the payments provided for by paragraph 4, it will furnish for and in respect of the parcel or parcels to which this agreement is applicable, and the buildings thereon, and for and in respect of the operation, use and occupation of the same, such municipal services as the City would normally provide for a taxable owner of such parcel or parcels, or buildings and on the same terms.

8. Each of the parties hereto shall execute such further instruments as may be necessary, or as the other parties or any of them may reasonably require, for the purpose of giving full force and effect to this agreement. The City also hereby agrees to join in all necessary proceedings to have the aforesaid pending appeals allowed and to consent thereto.

9. In case, during the present war, the Crown shall have an interest in any other parcel or parcels of land in the same neighbourhood, and own the buildings erected thereon, and such lands and buildings shall be used for the purpose of manufacturing munitions of war or supplies, defined as aforesaid, for the Crown by any person, firm or corporation acting for or on behalf of the Crown, such manufacturing operations being an extension of those now being carried on upon or in the said parcels "A", "B" and "C" and the buildings thereon or any of them, then and in that event the provisions of this agreement shall apply to such other parcel or parcels and the buildings thereon and to the manufacturing operations carried on, upon or in the same, the value of any such other parcel for the purpose of paragraph 4 of this agreement to be its last assessed value (exclusive of buildings thereon) prior to its being used for such manufacture, provided that if such parcel shall not have been separately assessed but shall have been assessed with other lands at a uniform rate per acre, its value shall be a proportionate part of the total assessed value of such parcel and other lands.

10. Nothing contained in this agreement shall affect the liability, if any, of any of the parties hereto for local improvement rates assessed in respect of any of the properties herein described or referred to.

IN WITNESS WHEREOF the parties hereto have executed these presents.

SIGNED, SEALED AND DELIVERED

In the presence of

(PLAN ANNEXED)

An Act respecting the City of Toronto.

1st Reading

2nd Reading

3rd Reading

MR. PORTER

(*Private Bill*)

No. 20

—1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act respecting the City of Toronto.

MR. PORTER

(Reprinted as amended by the Committee on Private Bills.)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 20

1944

BILL

An Act respecting the City of Toronto.

Preamble.

WHEREAS the Corporation of the City of Toronto has by its petition prayed for special legislation in respect of the several matters hereinafter set forth, and whereas it is expedient to grant the prayer of the said petition:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Where costs of certain street work to be borne by T.T.C.

Rev. Stat., c. 269.

 **1.** Notwithstanding the provisions of *The Local Improvement Act*, where the cost of the work is borne by the Toronto Transportation Commission, the Corporation may, subject to the approval of the Department of Municipal Affairs and without local assessment of cost, open, widen, extend, alter, grade, alter the grade of, divert or improve any street or open and establish a new street or construct, widen, resurface or reconstruct any pavement, sidewalk, sewer or drainage facility incidental thereto or may acquire or expropriate the lands necessary therefor and the said Commission is hereby authorized to provide moneys for any of the said works and the provisions of *The Municipal Act* and *The Municipal Arbitrations Act* shall *mutatis mutandis* apply. 

Rev. Stat., cc. 266; 280.

Public hospital authorized. Rev. Stat., c. 390.

2. Subject to the provisions of *The Public Hospitals Act*, the Corporation may establish, erect, equip, maintain and operate a public hospital.

Grant of Sunnybrook Park to Dominion for military hospital authorized.

3.—(1) The council of the Corporation may grant and convey unto His Majesty the King in the right of the Dominion of Canada represented for such purpose by the Minister of Pensions and National Health, all the lands in the Township of North York in the County of York, known as "Sunnybrook Park" for use by His Majesty represented as aforesaid for military hospital purposes for the three armed services of Canada, the Navy, the Army and the Air Force, and for the erection and use of such other buildings as may be reasonably necessary for the purposes associated therewith.

How power
to be
exercised.

(2) The power granted under subsection 1 shall be exercised in accordance with the terms of any trust or obligation pertaining to the said lands as varied by the persons lawfully entitled so to do.

Grants in
aid of
military
hospitals
authorized.

(3) The council of the Corporation may, with the approval of the Department of Municipal Affairs, from time to time grant aid for military hospital purposes.

Improve-
ment of
approaches
to Park
authorized.

(4) The council of the Corporation may, with the approval of the council of the Township of North York, at the expense of the Corporation at large and without local assessment, construct, widen, extend, alter the grade of, divert, improve or pave any street providing access to the lands known as Sunnybrook Park or may lay or construct on or in any such street any other services or facilities required in connection with such use of the said lands by His Majesty as aforesaid.

Dominion,
John Inglis
Co. Ltd.,
C.N.R. and
Toronto
agreement
authorized.

4. The Corporation is hereby authorized to enter into the agreement with His Majesty the King, John Inglis Company Limited and Canadian National Railway Company, set forth as schedule A hereto, and upon the same being executed by the parties thereto, it shall be legal, valid and binding and the Corporation is hereby authorized to do all acts necessary to carry out the provisions thereof.

Improve-
ment works
for benefit
of City
at large.

5. The council of the Corporation may, subject to the approval of the Department of Municipal Affairs, undertake, at the expense of the Corporation, any work or service which may be undertaken as a local improvement, where in the opinion of the council the work or service is carried out for the benefit of the City at large.

1917,
c. 92, s. 13,
amended.

6. Section 13 of *An Act respecting the City of Toronto* passed in the seventh year of the reign of His late Majesty King George V, chapter 92, is amended by adding thereto the following paragraph:

Advances
to sinking
fund.

(d) Advance to the sinking fund from the funds of the Corporation any sums becoming due to the sinking fund within the year, subject to a discount equivalent to the current rate of interest on the amount paid.

Commence-
ment of Act.

7. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

8. This Act may be cited as *The City of Toronto Act, 1944.*

SCHEDULE A

THIS AGREEMENT made the day of , 1944.

BETWEEN:

HIS MAJESTY THE KING in right of Canada, herein represented by the Minister of Munitions and Supply (hereinafter called "the Crown")

OF THE FIRST PART;

JOHN INGLIS COMPANY LIMITED (hereinafter called "the Inglis Company")

OF THE SECOND PART;

CANADIAN NATIONAL RAILWAY COMPANY (hereinafter called "the Railway Company")

OF THE THIRD PART;

—and—

THE CORPORATION OF THE CITY OF TORONTO (hereinafter called "the City")

OF THE FOURTH PART.

WHEREAS for some time past the lands designated on the plan hereto annexed, and herein referred to, as Parcels "A", "B" and "C" which have been expropriated by the Crown, and the buildings erected thereon and owned by the Crown, have been used for the purpose of manufacturing munitions of war for the Crown;

AND WHEREAS certain of the said lands were owned by the Railway Company prior to such expropriation;

AND WHEREAS the City has claimed the right to assess the said lands and buildings and also to assess the Inglis Company for business assessment in respect of the manufacturing operations carried on upon or in the same, and to levy taxes on the amounts of such assessments;

AND WHEREAS the right of the City to make such assessments has been disputed and assessments which have been made have been appealed against;

AND WHEREAS the parties hereto have agreed to settle the matters in dispute between them in the manner and upon the terms hereinafter set forth;

NOW THEREFORE THIS AGREEMENT WITNESSETH that the parties hereto mutually do agree, each with the other and others as follows:

1. All pending appeals against the assessment of the lands designated on the plan hereto annexed as Parcels "A", "B" and "C" or of the buildings thereon or of any of the said lands or buildings and all pending appeals against the assessment of the Inglis Company for business assessment in respect of the manufacturing operations carried on upon or in the said lands and buildings or any of them, shall be allowed without admission by the City that it had no right to make such assessments.

2. Any assessments which have been made in or since the year 1941 against the said lands or buildings or any of them, and any business assessments which have been made in or since the year 1941 against the Inglis Company in respect of the manufacturing operations carried on upon or in the said lands and buildings or any of them, shall be cancelled and no taxes shall be collected or payable by reason of any such assessments.

3. No assessment of any such parcel or of the buildings thereon and no business assessment of the Inglis Company in respect of the manufacturing operations carried on, upon or in such parcel or building shall hereafter be made so long as this agreement shall continue in force and be applicable to such parcel. (The provisions of this paragraph shall extend to any assessments which the City might otherwise have been entitled to make under Sec. 14 of The Assessment Act, R.S.O. 1937, ch. 272, with respect to any rights of way or other easements appurtenant to the said Parcels "A", "B" and "C" or any of them.)

4. Without admission of any right of the City to make assessments or business assessments, and levy taxes in accordance with its aforesaid claims, the Crown and/or the Inglis Company shall pay to the City in respect of the year 1942 and in respect of each year thereafter, so long as this agreement shall continue in force and be applicable to any one or more of the said parcels, a sum equal to the City's mill rate of taxation for such year upon the value or values of the lands, exclusive of any buildings thereon, comprised in the parcel or parcels to which this agreement still applies, such values to be as follows:

Parcel "A".....	\$ 11,160.00
Parcel "B".....	32,475.00
Parcel "C".....	220,554.00
	\$264,189.00

the amount to be so paid in respect of the year 1942 being the sum of \$8,612.56. The said sum of \$8,612.56 and the sum payable in respect of the year 1943 shall be paid upon the execution of this agreement by all parties and the sum payable in respect of each subsequent year shall be payable on the first day of May in such year. Each sum payable in respect of such subsequent year shall be a debt owing to the City the payment of which, in the event of default, may be enforced by legal proceedings in any Court of competent jurisdiction.

3. The provisions of this agreement shall continue in force and apply to each of the said Parcels "A", "B" and "C" and to the buildings thereon and to the manufacturing operations carried on upon or in the same, so long as such parcel continues to be used during the present war by any person, firm or corporation acting for or on behalf of the Crown, for the purposes of manufacturing, for the Crown, munitions of war or supplies as defined in the Department of Munitions and Supply Act, Statutes of Canada, 1939, Second Session, ch. 3 as amended. Upon any such parcel and the buildings thereon ceasing to be so used, this agreement shall cease to be in force as regards the said parcel and buildings or to apply thereto, and an adjustment shall be made of the sum payable hereunder in respect of such parcel in respect of the year in which such user shall have ceased, and the Crown and/or the Inglis Company shall be liable under this agreement for only a part of the sum to be paid in respect of that year as hereinbefore provided, such part to be proportionate to the part of such year during which such user shall have continued, and if such sum shall have already been paid to the City the City shall refund the remainder thereof to the party by whom the same was paid.

6. Notwithstanding any other provision of this agreement, whenever any parcel or the buildings thereon shall cease to be used in the manner and for the purpose aforesaid, the City shall thereupon become entitled to levy and collect such taxes in respect of the balance of the year in which the aforesaid user shall have ceased and in respect of subsequent years as it would have been entitled to levy and collect if this agreement had not been made.

7. The City covenants and agrees that during each year or part thereof in respect of which the Crown and/or the Inglis Company may be obligated to make the payments provided for by paragraph 4, it will furnish for and in respect of the parcel or parcels to which this agreement is applicable, and the buildings thereon, and for and in respect of the operation, use and occupation of the same, such municipal services as the City would normally provide for a taxable owner of such parcel or parcels, or buildings and on the same terms.

8. Each of the parties hereto shall execute such further instruments as may be necessary, or as the other parties or any of them may reasonably require, for the purpose of giving full force and effect to this agreement. The City also hereby agrees to join in all necessary proceedings to have the aforesaid pending appeals allowed and to consent thereto.

9. In case, during the present war, the Crown shall have an interest in any other parcel or parcels of land in the same neighbourhood, and own the buildings erected thereon, and such lands and buildings shall be used for the purpose of manufacturing munitions of war or supplies, defined as aforesaid, for the Crown by any person, firm or corporation acting for or on behalf of the Crown, such manufacturing operations being an extension of those now being carried on upon or in the said parcels "A", "B" and "C" and the buildings thereon or any of them, then and in that event the provisions of this agreement shall apply to such other parcel or parcels and the buildings thereon and to the manufacturing operations carried on, upon or in the same, the value of any such other parcel for the purpose of paragraph 4 of this agreement to be its last assessed value (exclusive of buildings thereon) prior to its being used for such manufacture, provided that if such parcel shall not have been separately assessed but shall have been assessed with other lands at a uniform rate per acre, its value shall be a proportionate part of the total assessed value of such parcel and other lands.

10. Nothing contained in this agreement shall affect the liability, if any, of any of the parties hereto for local improvement rates assessed in respect of any of the properties herein described or referred to.

IN WITNESS WHEREOF the parties hereto have executed these presents.

SIGNED, SEALED AND DELIVERED

In the presence of

(PLAN ANNEXED)

An Act respecting the City of Toronto.

1st Reading

March 14th, 1944

2nd Reading

March 31st, 1944

3rd Reading

MR. PORTER

(Reprinted as amended by the Committee on
Private Bills.)

No. 20

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act respecting the City of Toronto.

MR. PORTER

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the City of Toronto.

Preamble.

WHEREAS the Corporation of the City of Toronto has by its petition prayed for special legislation in respect of the several matters hereinafter set forth, and whereas it is expedient to grant the prayer of the said petition:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Where costs of certain street work to be borne by T.T.C.

Rev. Stat., c. 269.

1. Notwithstanding the provisions of *The Local Improvement Act*, where the cost of the work is borne by the Toronto Transportation Commission, the Corporation may, subject to the approval of the Department of Municipal Affairs and without local assessment of cost, open, widen, extend, alter, grade, alter the grade of, divert or improve any street or open and establish a new street or construct, widen, resurface or reconstruct any pavement, sidewalk, sewer or drainage facility incidental thereto or may acquire or expropriate the lands necessary therefor and the said Commission is hereby authorized to provide moneys for any of the said works and the provisions of *The Municipal Act* and *The Municipal Arbitrations Act* shall *mutatis mutandis* apply.

Rev. Stat., c. 266;
280.

Public hospital authorized.
Rev. Stat., c. 390.

2. Subject to the provisions of *The Public Hospitals Act*, the Corporation may establish, erect, equip, maintain and operate a public hospital.

Grant of Sunnybrook Park to Dominion for military hospital authorized.

3.—(1) The council of the Corporation may grant and convey unto His Majesty the King in the right of the Dominion of Canada represented for such purpose by the Minister of Pensions and National Health, all the lands in the Township of North York in the County of York, known as "Sunnybrook Park" for use by His Majesty represented as aforesaid for military hospital purposes for the three armed services of Canada, the Navy, the Army and the Air Force, and for the erection and use of such other buildings as may be reasonably necessary for the purposes associated therewith.

(2) The power granted under subsection 1 shall be exercised in accordance with the terms of any trust or obligation pertaining to the said lands as varied by the persons lawfully entitled so to do. How power to be exercised.

(3) The council of the Corporation may, with the approval of the Department of Municipal Affairs, from time to time grant aid for military hospital purposes. Grants in aid of military hospitals authorized.

(4) The council of the Corporation may, with the approval of the council of the Township of North York, at the expense of the Corporation at large and without local assessment, construct, widen, extend, alter the grade of, divert, improve or pave any street providing access to the lands known as Sunnybrook Park or may lay or construct on or in any such street any other services or facilities required in connection with such use of the said lands by His Majesty as aforesaid. Improvement of approaches to Park authorized.

4. The Corporation is hereby authorized to enter into the agreement with His Majesty the King, John Inglis Company Limited and Canadian National Railway Company, set forth as schedule A hereto, and upon the same being executed by the parties thereto, it shall be legal, valid and binding and the Corporation is hereby authorized to do all acts necessary to carry out the provisions thereof. Dominion, John Inglis Co. Ltd., C.N.R. and Toronto agreement authorized.

5. The council of the Corporation may, subject to the approval of the Department of Municipal Affairs, undertake, at the expense of the Corporation, any work or service which may be undertaken as a local improvement, where in the opinion of the council the work or service is carried out for the benefit of the City at large. Improvement works for benefit of City at large.

6. Section 13 of *An Act respecting the City of Toronto* 1917, passed in the seventh year of the reign of His late Majesty King George V, chapter 92, is amended by adding thereto the following paragraph: c. 92, s. 13, amended.

(d) Advance to the sinking fund from the funds of the Corporation any sums becoming due to the sinking fund within the year, subject to a discount equivalent to the current rate of interest on the amount paid. Advances to sinking fund.

7. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

8. This Act may be cited as *The City of Toronto Act, 1944*. Short title.

SCHEDULE A

THIS AGREEMENT made the day of , 1944.

BETWEEN:

HIS MAJESTY THE KING in right of Canada, herein represented by the Minister of Munitions and Supply (hereinafter called "the Crown")

OF THE FIRST PART;

JOHN INGLIS COMPANY LIMITED (hereinafter called "the Inglis Company")

OF THE SECOND PART;

CANADIAN NATIONAL RAILWAY COMPANY (hereinafter called "the Railway Company")

OF THE THIRD PART;

—and—

THE CORPORATION OF THE CITY OF TORONTO (hereinafter called "the City")

OF THE FOURTH PART.

WHEREAS for some time past the lands designated on the plan hereto annexed, and herein referred to, as Parcels "A", "B" and "C" which have been expropriated by the Crown, and the buildings erected thereon and owned by the Crown, have been used for the purpose of manufacturing munitions of war for the Crown;

AND WHEREAS certain of the said lands were owned by the Railway Company prior to such expropriation;

AND WHEREAS the City has claimed the right to assess the said lands and buildings and also to assess the Inglis Company for business assessment in respect of the manufacturing operations carried on upon or in the same, and to levy taxes on the amounts of such assessments;

AND WHEREAS the right of the City to make such assessments has been disputed and assessments which have been made have been appealed against;

AND WHEREAS the parties hereto have agreed to settle the matters in dispute between them in the manner and upon the terms hereinafter set forth;

NOW THEREFORE THIS AGREEMENT WITNESSETH that the parties hereto mutually do agree, each with the other and others as follows:

1. All pending appeals against the assessment of the lands designated on the plan hereto annexed as Parcels "A", "B" and "C" or of the buildings thereon or of any of the said lands or buildings and all pending appeals against the assessment of the Inglis Company for business assessment in respect of the manufacturing operations carried on upon or in the said lands and buildings or any of them, shall be allowed without admission by the City that it had no right to make such assessments.

2. Any assessments which have been made in or since the year 1941 against the said lands or buildings or any of them, and any business assessments which have been made in or since the year 1941 against the Inglis Company in respect of the manufacturing operations carried on upon or in the said lands and buildings or any of them, shall be cancelled and no taxes shall be collected or payable by reason of any such assessments.

3. No assessment of any such parcel or of the buildings thereon and no business assessment of the Inglis Company in respect of the manufacturing operations carried on, upon or in such parcel or building shall hereafter be made so long as this agreement shall continue in force and be applicable to such parcel. (The provisions of this paragraph shall extend to any assessments which the City might otherwise have been entitled to make under Sec. 14 of The Assessment Act, R.S.O. 1937, ch. 272, with respect to any rights of way or other easements appurtenant to the said Parcels "A", "B" and "C" or any of them.)

4. Without admission of any right of the City to make assessments or business assessments, and levy taxes in accordance with its aforesaid claims, the Crown and/or the Inglis Company shall pay to the City in respect of the year 1942 and in respect of each year thereafter, so long as this agreement shall continue in force and be applicable to any one or more of the said parcels, a sum equal to the City's mill rate of taxation for such year upon the value or values of the lands, exclusive of any buildings thereon, comprised in the parcel or parcels to which this agreement still applies, such values to be as follows:

Parcel "A"	\$ 11,160.00
Parcel "B"	32,475.00
Parcel "C"	220,554.00
	\$264,189.00

the amount to be so paid in respect of the year 1942 being the sum of \$8,612.56. The said sum of \$8,612.56 and the sum payable in respect of the year 1943 shall be paid upon the execution of this agreement by all parties and the sum payable in respect of each subsequent year shall be payable on the first day of May in such year. Each sum payable in respect of such subsequent year shall be a debt owing to the City the payment of which, in the event of default, may be enforced by legal proceedings in any Court of competent jurisdiction.

3. The provisions of this agreement shall continue in force and apply to each of the said Parcels "A", "B" and "C" and to the buildings thereon and to the manufacturing operations carried on upon or in the same, so long as such parcel continues to be used during the present war by any person, firm or corporation acting for or on behalf of the Crown, for the purposes of manufacturing, for the Crown, munitions of war or supplies as defined in the Department of Munitions and Supply Act, Statutes of Canada, 1939, Second Session, ch. 3 as amended. Upon any such parcel and the buildings thereon ceasing to be so used, this agreement shall cease to be in force as regards the said parcel and buildings or to apply thereto, and an adjustment shall be made of the sum payable hereunder in respect of such parcel in respect of the year in which such user shall have ceased, and the Crown and/or the Inglis Company shall be liable under this agreement for only a part of the sum to be paid in respect of that year as hereinbefore provided, such part to be proportionate to the part of such year during which such user shall have continued, and if such sum shall have already been paid to the City the City shall refund the remainder thereof to the party by whom the same was paid.

6. Notwithstanding any other provision of this agreement, whenever any parcel or the buildings thereon shall cease to be used in the manner and for the purpose aforesaid, the City shall thereupon become entitled to levy and collect such taxes in respect of the balance of the year in which the aforesaid user shall have ceased and in respect of subsequent years as it would have been entitled to levy and collect if this agreement had not been made.

7. The City covenants and agrees that during each year or part thereof in respect of which the Crown and/or the Inglis Company may be obligated to make the payments provided for by paragraph 4, it will furnish for and in respect of the parcel or parcels to which this agreement is applicable, and the buildings thereon, and for and in respect of the operation, use and occupation of the same, such municipal services as the City would normally provide for a taxable owner of such parcel or parcels, or buildings and on the same terms.

8. Each of the parties hereto shall execute such further instruments as may be necessary, or as the other parties or any of them may reasonably require, for the purpose of giving full force and effect to this agreement. The City also hereby agrees to join in all necessary proceedings to have the aforesaid pending appeals allowed and to consent thereto.

9. In case, during the present war, the Crown shall have an interest in any other parcel or parcels of land in the same neighbourhood, and own the buildings erected thereon, and such lands and buildings shall be used for the purpose of manufacturing munitions of war or supplies, defined as aforesaid, for the Crown by any person, firm or corporation acting for or on behalf of the Crown, such manufacturing operations being an extension of those now being carried on upon or in the said parcels "A", "B" and "C" and the buildings thereon or any of them, then and in that event the provisions of this agreement shall apply to such other parcel or parcels and the buildings thereon and to the manufacturing operations carried on, upon or in the same, the value of any such other parcel for the purpose of paragraph 4 of this agreement to be its last assessed value (exclusive of buildings thereon) prior to its being used for such manufacture, provided that if such parcel shall not have been separately assessed but shall have been assessed with other lands at a uniform rate per acre, its value shall be a proportionate part of the total assessed value of such parcel and other lands.

10. Nothing contained in this agreement shall affect the liability, if any, of any of the parties hereto for local improvement rates assessed in respect of any of the properties herein described or referred to.

IN WITNESS WHEREOF the parties hereto have executed these presents.

SIGNED, SEALED AND DELIVERED

In the presence of

(PLAN ANNEXED)

An Act respecting the City of Toronto.

1st Reading

March 14th, 1944

2nd Reading

March 31st, 1944

3rd Reading

April 4th, 1944

MR. PORTER

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act respecting the Township of North Monaghan.

MR. GOODFELLOW

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



BILL

An Act respecting the Township of North Monaghan.

Preamble.

WHEREAS the Corporation of the Township of North Monaghan has by its petition prayed for special legislation to confirm a certain order of the Ontario Municipal Board annexing a portion of the Township of North Monaghan to the City of Peterborough; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Municipal
Board
Order
No. P. F.
B-2423
confirmed.

1. Order No. P.F. B-2423 of the Ontario Municipal Board dated the 8th day of February, 1944, set out as schedule A hereto and as amended by this Act, is hereby confirmed.

Effective
date.

2. The said order shall have effect as from the 1st day of January, 1945.

Agricultural
and
gardening
lands.

3. Any lands of two acres or more, in the portion of the Township of North Monaghan annexed to the City of Peterborough by the said order and now used for agricultural or gardening purposes shall, so long as so used, be assessed in each year for a period of five years at such amount as may be agreed upon by the Corporation of the City of Peterborough and the person assessed, or failing such agreement as shall be determined by the Ontario Municipal Board.

Commence-
ment of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

5. This Act may be cited as *The Township of North Monaghan Act, 1944*.

SCHEDULE A

P.F. B-2423.

THE ONTARIO MUNICIPAL BOARD

Tuesday, the 8th day of February, A.D. 1944.

BEFORE:

R. S. COLTER, Esq., K.C., Chairman,	IN THE MATTER OF The Municipal Amendment Act, 1939, 3 Geo. VI, Chapter 30, Section 2, and
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W. P. NEAR, Esq., B.A.Sc., Vice-Chairman.	IN THE MATTER OF the Application by the Corporation of the Township of North Monaghan for annexation to be City of Peterborough of part of the said Township of North Monaghan.
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Upon the application of the Corporation of the Township of North Monaghan in the presence of:

F. D. KERR, K.C., for the Corporation of the Township of North Monaghan,
 MELVILLE JOHNSTON, Reeve of the Corporation of the Township of North Monaghan,
 A. W. ARCHIBALD, Deputy-Reeve of the Corporation of the Township of North Monaghan.
 BRUCE JOHNSTON, Clerk of the Corporation of the Township of North Monaghan,
 WALTER BANNON, Chairman of North Monaghan Township Area Public Schools,
 HARRY WELCH, Secretary of North Monaghan Township Area Public Schools,
 V. J. McELDERRY, K.C., for the Corporation of the County of Peterborough,
 MRS. JENNIE A. SPURWAY, Clerk of the County of Peterborough,
 GILBERT McILMOYLE and PETER MATHER, County Councillors for the County of Peterborough,
 W. F. HUYCKE, K.C., and JOHN R. CORKERY, Esq., for the Corporation of the City of Peterborough,
 JAMES HAMILTON, Mayor of the City of Peterborough,
 E. A. OUTRAM, Clerk of the City of Peterborough,
 J. F. STRICKLAND, K.C., for the Board of Education of the City of Peterborough,
 KEITH S. WICHTMAN, Inspector of Public Schools,
 HON. G. N. GORDON, K.C., for Earl Davies, a ratepayer of the Township of North Monaghan,

and upon reading By-law Number 1253 of the Council of the Corporation of the Township of North Monaghan passed on the 28th day of October, 1943, filed with the Board authorizing an application for annexation of part of the Township of North Monaghan to the City of Peterborough and upon reading resolution of the Council of the Corporation of the City of Peterborough dated 22nd November, 1943, filed with the Board and the application of the Township of North Monaghan coming on for hearing before this Board at the Council Chamber in the City Hall in the City of Peterborough on the 16th day of December, 1943, and the 27th day of January, 1944, and upon reading By-law Number 1260 of the Corporation of the Township of North Monaghan passed on the 1st day of February, 1944, repealing said By-law 1253 of the said Corporation of the Township of North Monaghan and authorizing the application for annexation of the land in the Township of North Monaghan described in Schedule "A" and "B" hereto to the City of Peterborough and same being duly filed, and upon hearing what was alleged by Counsel on behalf of the Corporation of the Township of North Monaghan and Counsel on behalf of the Corporation

of the County of Peterborough and Counsel on behalf of the Corporation of the City of Peterborough and Counsel on behalf of the Board of Education of the City of Peterborough, the Reeve and Clerk of the said Township of North Monaghan, and the Mayor and Clerk of the said City of Peterborough, and upon being satisfied that public notice of the hearing had been given as directed by the Board and upon holding a public hearing in the City Council Chamber in the City of Peterborough on Tuesday the 8th day of February, 1944.

THIS BOARD DOETH ORDER AND PROCLAIM that those parts of the Township of North Monaghan, in the County of Peterborough, described in Schedules "A" and "B" be and the same are hereby annexed to the City of Peterborough and the said annexation shall take effect upon and subject to the following terms and conditions, namely:

1. That the taxes, assessments, rents, water, school and other rates in respect of the said annexed districts to be levied by the City of Peterborough in respect of the said annexed territory shall from and after such date as may be fixed by the Act of the Legislature of the Province of Ontario confirming this Order, be the same and payable at the same time and in the same manner as taxes, assessments, rents, water, school and other rates levied and raised from time to time on the property within the old boundaries of the City of Peterborough as they existed on the first day of January, 1944, and the assessment of the said annexed territory by the City of Peterborough shall from and after the date fixed by Act of said Legislature confirming this Order be on the same basis and made at the same time and in the same manner as in said old boundaries of the City of Peterborough, except that the assessment by the Corporation of the City of Peterborough of said annexed territory for the year of said annexation as fixed by Act of the Legislature confirming this Order may be taken by the Assessor of the City of Peterborough at any time after the date of the confirmation of this Order by Act of the Legislature of Ontario.

2. The Township of North Monaghan shall at all reasonable times allow the Corporation of the City of Peterborough, its servants and agents, access to the Assessment Rolls of the said portion of the said Township of North Monaghan and to all local improvement By-laws and local improvement assessment rolls, and also all plans, surveys and maps applicable to the said portions of the said Township for the purpose of making copies of the same named in the Act.

3. (a) All taxes imposed by the Township in the annexed areas up to the day named in the Act confirming this Order and making it effective and all arrears of taxes owing in the said district shall belong to the Township of North Monaghan.

(b) The Corporation of the Township of North Monaghan shall forthwith prepare and furnish to the Corporation of the City of Peterborough a special Collector's Roll showing all arrears of taxes or special rates assessed against the lands in the annexed areas up to the day which is fixed by the Act of the Legislature confirming this Order and the persons assessed therefor.

(c) The Corporation of the City of Peterborough shall have the right to collect all taxes belonging to said Township of North Monaghan in said district as set out in clause 3 (a) hereof according to said special collector's roll, including the right to distrain for non-payment of said arrears, or if necessary the right to sell the said lands, if any, for non-payment of such arrears, as fully as if the said taxes had been assessed and levied by the Corporation of the said City, but the proceeds of the collection of such taxes, or any part of the same, after deducting therefrom the proper costs and expenses in connection with the collection of same, shall be repaid by the corporation of the City of Peterborough to the said Corporation of the Township of North Monaghan within six months from the date of collection, provided that the said Corporation of the City of Peterborough shall proceed to collect the said arrears of taxes shown on said special roll, in the same manner as if it had assessed and levied the same, and for that purpose the City Corporation shall have all the rights and powers conferred upon municipalities by the Assessment Act, or other Act

in force regarding the collections of arrears of taxes in the annexed areas, but the City Corporation shall not be responsible to the Corporation of the Township of North Monaghan for any such arrears of taxes which it may be unable to collect.

(d) The Corporation of the Township of North Monaghan shall indemnify and save harmless the Corporation of the City of Peterborough from all loss, costs, charges and expenses arising from any act or omission of the Township of North Monaghan or their officials or servants in connection with the said Special Roll.

4. The Council of the Corporation of the City of Peterborough is hereby empowered to pass a By-law or By-laws defining the polling subdivisions of the said annexed districts and the City Clerk shall prepare from the last certified voters' list of the Township of North Monaghan a supplementary list of voters containing the names of and the other particulars relating to the persons who would have been entitled to vote in such district or territory if it had not been detached, pursuant to Section 104 of The Municipal Act.

5. (a) All rights, title and interest in the Corporation of the Township of North Monaghan and the Corporation of the County of Peterborough in the highways and streets in the said areas together with any and all right, title and interest in any franchises or agreements heretofore given or made, and insofar only as they affect the portions of the said highways and streets in the areas so annexed, shall vest in the Corporation of the City of Peterborough.

(b) All rights, title and interest of the Corporation of the Township of North Monaghan in any other lands and premises in said annexed area shall vest in the Corporation of the City of Peterborough.

6. Where any work heretofore has been constructed in the said areas to be annexed and such work is defective or insufficient, the Corporation of the City of Peterborough may proceed with the construction of required works under the provisions of The Local Improvement Act notwithstanding the lifetime of the first mentioned work has not expired.

7. The residents of the areas to be annexed from and after the date fixed by Act of the Legislature confirming this Order shall be entitled to water, gas and electricity from the Peterborough Utilities Commission upon the same terms and conditions as the other residents of the City of Peterborough.

8. (a) The present wards in the City of Peterborough numbered Wards 1, 2, 3, 4, and 5 shall be respectively numbered Wards 2, 3, 4, 5, and 6.

(b) All that part of the areas to be annexed lying South of Lansdowne Street and the Easterly and Westerly extensions of Lansdowne Street shall constitute and be Ward Number 1 of the City of Peterborough.

(c) All that part of the areas to be annexed lying North of Lansdowne Street and the Easterly and Westerly Extensions of Lansdowne Street and South of Sherbrooke Street and the Westerly extension of Sherbrooke Street shall be and form part of Ward Number 2 as re-designated.

(d) All that part of the areas to be annexed lying North of Sherbrooke Street and the Westerly extension of Sherbrooke Street shall be and form part of Ward Number 4 as re-designated.

9. (a) The Corporations of the Township of North Monaghan, the County of Peterborough and the City of Peterborough and the Board of Education of the City of Peterborough shall be entitled to and shall be bound to make an adjustment of assets and liabilities pursuant to section 23 of The Municipal Act and Section 38 of The Public Schools Act shall apply as between the municipalities and school sections affected by this Order, and in the event of the parties hereto not being able to agree upon the adjustments of assets and liabilities then all such questions of adjustment

may be referred to Judge Sheldon L. Smoke, Judge of the County Court of the County of Peterborough, or such other person or persons as the Board may appoint, who shall make inquiry and report to the Municipal Board upon the adjustment of assets and liabilities and all rights, claims, liabilities and obligations referred to in clauses (a), (b), and (c) of subsection 8 of Section 23 of The Municipal Act as amended by The Municipal Amendment Act, 1939, 3 George VI, Chapter 30, Section 2.

(Seal)

(Signed) W. P. NEAR,
Vice-Chairman.

Schedule "A"

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the Township of North Monaghan, in the County of Peterborough and the Province of Ontario and being composed of parts of lots numbered 11, 12, and 13 in the 11th Concession, parts of lots number 11 and 12 in the 12th Concession and part of lot number 12 in the 13th Concession of the said Township, which said parcel is further described as follows, that is to say:—

Commencing at the intersection of the centre lines of Weller Street and Albertus Avenue according to registered plan number 144 of the City of Peterborough;

Thence southerly along the centre line of Albertus Avenue 1,195 feet to the centre line of Charlotte Street as shown on the said plan;

Thence easterly along the said centre line of Charlotte Street 470 feet to its intersection with the centre line of Monaghan Road;

Thence southerly along the said centre line of Monaghan Road 1,177 feet 11 inches to its intersection with the centre line of Sherbrooke Street, being the road allowance between Concessions 12 and 13 of the Township of North Monaghan;

Thence westerly along the said centre line of Sherbrooke Street 679 feet 11 inches to its intersection with the northerly production of the centre line of Grandview Avenue according to Registered Plan Number 44 of the said Township;

Thence southerly along the said production and the said centre line of Grandview Avenue 449 feet to its intersection with the westerly production of the southerly limit of property now known as Prince of Wales School;

Thence easterly along the said limit parallel with Sherbrooke Street 596 feet 6 inches to the centre line of Monaghan Road in the said 12th Concession of the said Township of North Monaghan;

Thence southerly along the said centre line of Monaghan Road 4,272 feet 7 inches to its intersection with the centre line of Lansdowne Street in the said City being the road allowance between Concessions 11 and 12 of the said Township;

Thence easterly along the said centre line of Lansdowne Street 550 feet to the southeasterly limit of the right of way of the Canadian National Railway;

Thence southwesterly along the said limit 376 feet 11 inches to the southerly limit of Park Lot Number 20 in Lot 13, Concession 11 of the said Township;

Thence westerly along the southerly limit of said park lot number 20 and its westerly production and in a line parallel with the road allowance between Concessions 11 and 12 of the said Township to a point in the westerly limit of lot number 1 according to Registered Plan Number 17 of the said Township, which point is distant 228 feet southerly from the northerly limit of said lot number 1;

Thence northerly along the westerly limit of said lot number 1 a distance of 1 foot more or less to a point which would be intersected by the productions easterly of the southerly limit of lot number 91 as shown on Registered Plan Number 58 for the said Township;

Thence westerly and parallel with the southerly limit of Lansdowne Street and following the southerly limit of said lot number 91 and its

production easterly, the production westerly of the said southerly limit of lot number 91, the southerly limit of lot number 64 according to said Registered Plan Number 58, the production westerly of the said southerly limit of said lot 64, the southerly limit of lot number 57 as shown on said Registered Plan Number 58, the production westerly of the said southerly limit of said lot number 57 and the southerly limit of lot number 17 according to said Registered Plan Number 58 to the southwesterly angle of said lot number 17;

Thence southerly along the westerly limits of lots numbers 18 and 19 according to said Registered Plan Number 58 a distance of 62 feet to the southwest angle of said lot number 19 as shown on said Registered Plan Number 58;

Thence westerly along the northerly limits of lots numbers 23, 24, 25, 26 and 27 as shown on said Registered Plan Number 58 to the northwest angle of said lot number 27;

Thence southerly along the westerly limit of said lot number 27 as shown on said Registered Plan Number 58 a distance of 1 foot more or less to a point distant 290 feet southerly from the southerly limit of Lansdowne Street;

Thence westerly and parallel with the northerly limit of lot number 4 according to said Registered Plan Number 17 a distance of 163 feet;

Thence northerly and parallel with the westerly limit of said lot number 4 a distance of 62 feet to a point distant 228 feet southerly from the northerly limit of said lot number 4;

Thence westerly and parallel with the northerly limits of lots numbers 4, 5, 6 and 7 according to said Registered Plan Number 17 to the westerly limit of lot number 7 according to said Registered Plan Number 17 of the said Township;

Thence northerly along the westerly limit of said lot number 7 according to said Registered Plan Number 17 and the northerly production thereof 261 feet to the centre of the said Lansdowne Street;

Thence easterly along the said centre of Lansdowne Street 55 feet to the southerly production of the westerly limit of lands subdivided under Registered Plan Number 49 of the said Township;

Thence northerly along the said production, along the said westerly limit of the lands subdivided under said plan number 49 and along the northerly production thereof, 3,028 feet to the centre of Provincial Highway number 28;

Thence southwesterly along the said centre line of said Provincial Highway 30 feet;

Thence northwesterly in a straight line to a point within the said lot number 11 in the 12th Concession of the said Township distant 912 feet measured westerly parallel with the northern limit of the said lot from a point in the eastern limit of the said lot distant 1,128 feet 6 inches southerly from the northeasterly angle thereof;

Thence easterly parallel with the said northerly limit of the said lot 406 feet to a point marking the southwesterly angle of part of the said lot described in Registered Deed Number 6852 of the said Township;

Thence northerly parallel with the said easterly limit of the said lot 575 feet 6 inches along the westerly limit of the last mentioned parcel to the northwesterly angle thereof;

Thence easterly parallel with the said northerly limit of the said lot 506 feet to the said easterly limit of the said lot;

Thence northerly along the said limit and its northerly production

thereof 586 feet to a point in the centre of road allowance between Concessions 12 and 13 of the said Township;

Thence easterly along the centre line of the said road allowance between Concessions 12 and 13 of the said Township 79 feet to its intersection with the southerly production of the western limit of the said lot number 12 in the 13th Concession of the said Township;

Thence northerly along the said production and along the said limit 2,339 feet 11 inches to the said centre of Weller Street;

Thence easterly along the centre line of said Weller Street 1,490 feet 6 inches to the point of commencing.

Together with all those parts of the original road allowance between the Concessions, Township lots, and park lots situate within the area hereinbefore defined.

Schedule "B"

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of North Monaghan, in the County of Peterborough and the Province of Ontario and being composed of parts of lots numbers 13, 14, 15 and 16 in the 11th Concession and part of lot number 16 in the 12th Concession of the said Township, which said parcel is further described as follows, that is to say:—

Commencing at the intersection of the centre line of Monaghan Road in the said Township, being the road allowance between lots numbers 12 and 13 in the 11th Concession of the said Township and the westerly production of the southerly limit of park lot number 20 in lot number 13 in the 11th Concession of the said Township;

Thence southerly along the centre line of the said road allowance between lots numbers 12 and 13 in the 11th Concession of the said Township to a point which would be intersected by the production westerly of the southerly limit of the most southerly lane shown on Registered Plan Number 45 of the said Township.

Thence easterly along the said last mentioned production and the southerly limit of the most southerly lane shown on said Registered Plan Number 45 and along the easterly production of the said southerly limit of the said lane to its intersection with the centre line of Park Street in the said Township, being the road allowance between Township lots numbers 13 and 14 in the 11th Concession of the said Township;

Thence southerly along the centre line of the said road allowance between said Township lots numbers 13 and 14 in the 11th Concession of the said Township and along the production southerly thereof across a Government Reserve one chain wide to the shore of Otonabee River;

Thence in a northeasterly direction following the shore of the Otonabee River to a point where the same is intersected by the northerly limit of Lansdowne Street, being the road allowance between Concessions 11 and 12 of the said Township;

Thence in a northeasterly, northwesterly, westerly and southwesterly direction following the shore of the Otonabee River and the shore of the Little Lake to a point which would be intersected by the westerly limit of Haggart Street as shown on Registered Plan Number 31 for the City of Peterborough produced northerly across the River Road shown on said Registered Plan Number 31 to the shore of Little Lake;

Thence southerly along the northerly production of the said westerly limit of Haggart Street as shown on said Registered Plan Number 31 and following along the westerly limit of the said Haggart Street and its production southerly to the northern limit of Lansdowne Street, being the road allowance between Concession 11 and 12 of the said Township;

Thence westerly following the northerly limit of said Lansdowne Street to a point where the same is intersected by the westerly limit of Park Street;

Thence southerly along the production southerly of the westerly limit of Park Street and along the easterly limit of Park Lot Number 20 in lot 13 in the 11th Concession of the said Township to the southeasterly angle of said park lot number 20;

Thence westerly along the southerly limit of said park lot number 20 and along the production westerly of the said southerly limit of said park lot number 20 to the point of commencement.

Together with all those parts of the original road allowances between the concessions, Township lots and park lots situate within the area hereinbefore defined.

An Act respecting the Township of
North Monaghan.

1st Reading

2nd Reading

3rd Reading

MR. GOODFELLOW

(*Private Bill*)

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act respecting the Township of North Monaghan.

MR. GOODFELLOW

(Reprinted as amended by the Committee on Private Bills.)

No. 21

1944

BILL

An Act respecting the Township of North Monaghan.

Preamble.

WHEREAS the Corporation of the Township of North Monaghan has by its petition prayed for special legislation to confirm a certain order of the Ontario Municipal Board annexing a portion of the Township of North Monaghan to the City of Peterborough; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Municipal
Board
Order
No. P. F.
B-2423
confirmed.

1. Order No. P.F. B-2423 of the Ontario Municipal Board dated the 8th day of February, 1944, set out as schedule A hereto and as amended by this Act, is, except clause b of section 5 of the said order, hereby confirmed.

Effective
date.

2. The said order shall have effect as from the 1st day of January, 1945.

Agricultural
and
gardening
lands.

3. Any lands of two acres or more, in the portion of the Township of North Monaghan annexed to the City of Peterborough by the said order and now used for agricultural or gardening purposes shall, so long as so used, be assessed in each year for a period of five years at such amount as may be agreed upon by the Corporation of the City of Peterborough and the person assessed, or failing such agreement as shall be determined by the Ontario Municipal Board.

Provision
for agree-
ment re
maintenance
of schools.

4.—(1) Notwithstanding the provisions of this Act, any other Act or the said Order No. P.F. B-2423 of the Ontario Municipal Board, the Board of North Monaghan Township Area Schools and the Board of Education for the City of Peterborough may, subject to the consent of the Minister of Education, enter into an agreement in respect of,—

(a) the maintenance and control by the Board of Education for the City of Peterborough of the public

schools in the area to be annexed as and from the 1st day of September, 1944, until the 1st day of January, 1945, in consideration of the payment to the Board of Education for the City of Peterborough by the Board of North Monaghan Township Area Schools of a sum to be agreed upon by the said Boards in four equal monthly payments on the last days of September, October, November and December, 1944; and

- (b) the attendance of pupils resident within the area to be annexed and of the pupils resident within the remainder of the said public school area of North Monaghan Township for such period as may be agreed upon.

Idem.

(2) The entry into the agreement between the Board of Education for the City of Peterborough and the Board of North Monaghan Township Area Schools shall constitute the maintaining of public schools within the meaning of section 153 of *The Public Schools Act* and shall relieve every member of the School Board of North Monaghan Township Area Schools of the penalties provided in such section.

Rev. Stat.,
c. 357.

Commence-
ment of Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

6. This Act may be cited as *The Township of North Monaghan Act, 1944*.

SCHEDULE A

P.F. B-2423.

THE ONTARIO MUNICIPAL BOARD

Tuesday, the 8th day of February, A.D. 1944.

BEFORE:

R. S. COLTER, Esq., K.C., Chairman, W. P. NEAR, Esq., B.A.Sc., Vice-Chairman.	IN THE MATTER OF The Municipal Amendment Act, 1939, 3 Geo. VI, Chapter 30, Section 2, and IN THE MATTER OF the Application by the Corporation of the Township of North Monaghan for annexation to be City of Peterborough of part of the said Township of North Monaghan.
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Upon the application of the Corporation of the Township of North Monaghan in the presence of:

F. D. KERR, K.C., for the Corporation of the Township of North Monaghan,
 MELVILLE JOHNSTON, Reeve of the Corporation of the Township of North Monaghan,
 A. W. ARCHIBALD, Deputy-Reeve of the Corporation of the Township of North Monaghan.
 BRUCE JOHNSTON, Clerk of the Corporation of the Township of North Monaghan,
 WALTER BANNON, Chairman of North Monaghan Township Area Public Schools,
 HARRY WELCH, Secretary of North Monaghan Township Area Public Schools,
 V. J. McELDERRY, K.C., for the Corporation of the County of Peterborough,
 MRS. JENNIE A. SPURWAY, Clerk of the County of Peterborough,
 GILBERT McILMOYLE and PETER MATHER, County Councillors for the County of Peterborough,
 W. F. HUYCKE, K.C., and JOHN R. CORKERY, Esq., for the Corporation of the City of Peterborough,
 JAMES HAMILTON, Mayor of the City of Peterborough,
 E. A. OUTRAM, Clerk of the City of Peterborough,
 J. F. STRICKLAND, K.C., for the Board of Education of the City of Peterborough,
 KEITH S. WICHTMAN, Inspector of Public Schools,
 HON. G. N. GORDON, K.C., for Earl Davies, a ratepayer of the Township of North Monaghan,

and upon reading By-law Number 1253 of the Council of the Corporation of the Township of North Monaghan passed on the 28th day of October, 1943, filed with the Board authorizing an application for annexation of part of the Township of North Monaghan to the City of Peterborough and upon reading resolution of the Council of the Corporation of the City of Peterborough dated 22nd November, 1943, filed with the Board and the application of the Township of North Monaghan coming on for hearing before this Board at the Council Chamber in the City Hall in the City of Peterborough on the 16th day of December, 1943, and the 27th day of January, 1944, and upon reading By-law Number 1260 of the Corporation of the Township of North Monaghan passed on the 1st day of February, 1944, repealing said By-law 1253 of the said Corporation of the Township of North Monaghan and authorizing the application for annexation of the land in the Township of North Monaghan described in Schedule "A" and "B" hereto to the City of Peterborough and same being duly filed, and upon hearing what was alleged by Counsel on behalf of the Corporation of the Township of North Monaghan and Counsel on behalf of the Corporation

of the County of Peterborough and Counsel on behalf of the Corporation of the City of Peterborough and Counsel on behalf of the Board of Education of the City of Peterborough, the Reeve and Clerk of the said Township of North Monaghan, and the Mayor and Clerk of the said City of Peterborough, and upon being satisfied that public notice of the hearing had been given as directed by the Board and upon holding a public hearing in the City Council Chamber in the City of Peterborough on Tuesday the 8th day of February, 1944.

THIS BOARD DOETH ORDER AND PROCLAIM that those parts of the Township of North Monaghan, in the County of Peterborough, described in Schedules "A" and "B" be and the same are hereby annexed to the City of Peterborough and the said annexation shall take effect upon and subject to the following terms and conditions, namely:

1. That the taxes, assessments, rents, water, school and other rates in respect of the said annexed districts to be levied by the City of Peterborough in respect of the said annexed territory shall from and after such date as may be fixed by the Act of the Legislature of the Province of Ontario confirming this Order, be the same and payable at the same time and in the same manner as taxes, assessments, rents, water, school and other rates levied and raised from time to time on the property within the old boundaries of the City of Peterborough as they existed on the first day of January, 1944, and the assessment of the said annexed territory by the City of Peterborough shall from and after the date fixed by Act of said Legislature confirming this Order be on the same basis and made at the same time and in the same manner as in said old boundaries of the City of Peterborough, except that the assessment by the Corporation of the City of Peterborough of said annexed territory for the year of said annexation as fixed by Act of the Legislature confirming this Order may be taken by the Assessor of the City of Peterborough at any time after the date of the confirmation of this Order by Act of the Legislature of Ontario.

2. The Township of North Monaghan shall at all reasonable times allow the Corporation of the City of Peterborough, its servants and agents, access to the Assessment Rolls of the said portion of the said Township of North Monaghan and to all local improvement By-laws and local improvement assessment rolls, and also all plans, surveys and maps applicable to the said portions of the said Township for the purpose of making copies of the same named in the Act.

3. (a) All taxes imposed by the Township in the annexed areas up to the day named in the Act confirming this Order and making it effective and all arrears of taxes owing in the said district shall belong to the Township of North Monaghan.

(b) The Corporation of the Township of North Monaghan shall forthwith prepare and furnish to the Corporation of the City of Peterborough a special Collector's Roll showing all arrears of taxes or special rates assessed against the lands in the annexed areas up to the day which is fixed by the Act of the Legislature confirming this Order and the persons assessed therefor.

(c) The Corporation of the City of Peterborough shall have the right to collect all taxes belonging to said Township of North Monaghan in said district as set out in clause 3 (a) hereof according to said special collector's roll, including the right to distrain for non-payment of said arrears, or if necessary the right to sell the said lands, if any, for non-payment of such arrears, as fully as if the said taxes had been assessed and levied by the Corporation of the said City, but the proceeds of the collection of such taxes, or any part of the same, after deducting therefrom the proper costs and expenses in connection with the collection of same, shall be repaid by the corporation of the City of Peterborough to the said Corporation of the Township of North Monaghan within six months from the date of collection, provided that the said Corporation of the City of Peterborough shall proceed to collect the said arrears of taxes shown on said special roll, in the same manner as if it had assessed and levied the same, and for that purpose the City Corporation shall have all the rights and powers conferred upon municipalities by the Assessment Act, or other Act

in force regarding the collections of arrears of taxes in the annexed areas, but the City Corporation shall not be responsible to the Corporation of the Township of North Monaghan for any such arrears of taxes which it may be unable to collect.

(d) The Corporation of the Township of North Monaghan shall indemnify and save harmless the Corporation of the City of Peterborough from all loss, costs, charges and expenses arising from any act or omission of the Township of North Monaghan or their officials or servants in connection with the said Special Roll.

4. The Council of the Corporation of the City of Peterborough is hereby empowered to pass a By-law or By-laws defining the polling subdivisions of the said annexed districts and the City Clerk shall prepare from the last certified voters' list of the Township of North Monaghan a supplementary list of voters containing the names of and the other particulars relating to the persons who would have been entitled to vote in such district or territory if it had not been detached, pursuant to Section 104 of The Municipal Act.

5. (a) All rights, title and interest in the Corporation of the Township of North Monaghan and the Corporation of the County of Peterborough in the highways and streets in the said areas together with any and all right, title and interest in any franchises or agreements heretofore given or made, and insofar only as they affect the portions of the said highways and streets in the areas so annexed, shall vest in the Corporation of the City of Peterborough.

(b) All rights, title and interest of the Corporation of the Township of North Monaghan in any other lands and premises in said annexed area shall vest in the Corporation of the City of Peterborough.

6. Where any work heretofore has been constructed in the said areas to be annexed and such work is defective or insufficient, the Corporation of the City of Peterborough may proceed with the construction of required works under the provisions of The Local Improvement Act notwithstanding the lifetime of the first mentioned work has not expired.

7. The residents of the areas to be annexed from and after the date fixed by Act of the Legislature confirming this Order shall be entitled to water, gas and electricity from the Peterborough Utilities Commission upon the same terms and conditions as the other residents of the City of Peterborough.

8. (a) The present wards in the City of Peterborough numbered Wards 1, 2, 3, 4, and 5 shall be respectively numbered Wards 2, 3, 4, 5, and 6.

(b) All that part of the areas to be annexed lying South of Lansdowne Street and the Easterly and Westerly extensions of Lansdowne Street shall constitute and be Ward Number 1 of the City of Peterborough.

(c) All that part of the areas to be annexed lying North of Lansdowne Street and the Easterly and Westerly Extensions of Lansdowne Street and South of Sherbrooke Street and the Westerly extension of Sherbrooke Street shall be and form part of Ward Number 2 as re-designated.

(d) All that part of the areas to be annexed lying North of Sherbrooke Street and the Westerly extension of Sherbrooke Street shall be and form part of Ward Number 4 as re-designated.

9. (a) The Corporations of the Township of North Monaghan, the County of Peterborough and the City of Peterborough and the Board of Education of the City of Peterborough shall be entitled to and shall be bound to make an adjustment of assets and liabilities pursuant to section 23 of The Municipal Act and Section 38 of The Public Schools Act shall apply as between the municipalities and school sections affected by this Order, and in the event of the parties hereto not being able to agree upon the adjustments of assets and liabilities then all such questions of adjustment

may be referred to Judge Sheldon L. Smoke, Judge of the County Court of the County of Peterborough, or such other person or persons as the Board may appoint, who shall make inquiry and report to the Municipal Board upon the adjustment of assets and liabilities and all rights, claims, liabilities and obligations referred to in clauses (a), (b), and (c) of subsection 8 of Section 23 of The Municipal Act as amended by The Municipal Amendment Act, 1939, 3 George VI, Chapter 30, Section 2.

(Signed) W. P. NEAR,
Vice-Chairman.

(Seal)

Schedule "A"

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the Township of North Monaghan, in the County of Peterborough and the Province of Ontario and being composed of parts of lots numbered 11, 12, and 13 in the 11th Concession, parts of lots number 11 and 12 in the 12th Concession and part of lot number 12 in the 13th Concession of the said Township, which said parcel is further described as follows, that is to say:—

Commencing at the intersection of the centre lines of Weller Street and Albertus Avenue according to registered plan number 144 of the City of Peterborough;

Thence southerly along the centre line of Albertus Avenue 1,195 feet to the centre line of Charlotte Street as shown on the said plan;

Thence easterly along the said centre line of Charlotte Street 470 feet to its intersection with the centre line of Monaghan Road;

Thence southerly along the said centre line of Monaghan Road 1,177 feet 11 inches to its intersection with the centre line of Sherbrooke Street, being the road allowance between Concessions 12 and 13 of the Township of North Monaghan;

Thence westerly along the said centre line of Sherbrooke Street 679 feet 11 inches to its intersection with the northerly production of the centre line of Grandview Avenue according to Registered Plan Number 44 of the said Township;

Thence southerly along the said production and the said centre line of Grandview Avenue 449 feet to its intersection with the westerly production of the southerly limit of property now known as Prince of Wales School;

Thence easterly along the said limit parallel with Sherbrooke Street 596 feet 6 inches to the centre line of Monaghan Road in the said 12th Concession of the said Township of North Monaghan;

Thence southerly along the said centre line of Monaghan Road 4,272 feet 7 inches to its intersection with the centre line of Lansdowne Street in the said City being the road allowance between Concessions 11 and 12 of the said Township;

Thence easterly along the said centre line of Lansdowne Street 550 feet to the southeasterly limit of the right of way of the Canadian National Railway;

Thence southwesterly along the said limit 376 feet 11 inches to the southerly limit of Park Lot Number 20 in Lot 13, Concession 11 of the said Township;

Thence westerly along the southerly limit of said park lot number 20 and its westerly production and in a line parallel with the road allowance between Concessions 11 and 12 of the said Township to a point in the westerly limit of lot number 1 according to Registered Plan Number 17 of the said Township, which point is distant 228 feet southerly from the northerly limit of said lot number 1;

Thence northerly along the westerly limit of said lot number 1 a distance of 1 foot more or less to a point which would be intersected by the productions easterly of the southerly limit of lot number 91 as shown on Registered Plan Number 58 for the said Township;

Thence westerly and parallel with the southerly limit of Lansdowne Street and following the southerly limit of said lot number 91 and its

production easterly, the production westerly of the said southerly limit of lot number 91, the southerly limit of lot number 64 according to said Registered Plan Number 58, the production westerly of the said southerly limit of said lot 64, the southerly limit of lot number 57 as shown on said Registered Plan Number 58, the production westerly of the said southerly limit of said lot number 57 and the southerly limit of lot number 17 according to said Registered Plan Number 58 to the southwesterly angle of said lot number 17;

Thence southerly along the westerly limits of lots numbers 18 and 19 according to said Registered Plan Number 58 a distance of 62 feet to the southwest angle of said lot number 19 as shown on said Registered Plan Number 58;

Thence westerly along the northerly limits of lots numbers 23, 24, 25, 26 and 27 as shown on said Registered Plan Number 58 to the northwest angle of said lot number 27;

Thence southerly along the westerly limit of said lot number 27 as shown on said Registered Plan Number 58 a distance of 1 foot more or less to a point distant 290 feet southerly from the southerly limit of Lansdowne Street;

Thence westerly and parallel with the northerly limit of lot number 4 according to said Registered Plan Number 17 a distance of 163 feet;

Thence northerly and parallel with the westerly limit of said lot number 4 a distance of 62 feet to a point distant 228 feet southerly from the northerly limit of said lot number 4;

Thence westerly and parallel with the northerly limits of lots numbers 4, 5, 6 and 7 according to said Registered Plan Number 17 to the westerly limit of lot number 7 according to said Registered Plan Number 17 of the said Township;

Thence northerly along the westerly limit of said lot number 7 according to said Registered Plan Number 17 and the northerly production thereof 261 feet to the centre of the said Lansdowne Street;

Thence easterly along the said centre of Lansdowne Street 55 feet to the southerly production of the westerly limit of lands subdivided under Registered Plan Number 49 of the said Township;

Thence northerly along the said production, along the said westerly limit of the lands subdivided under said plan number 49 and along the northerly production thereof, 3,028 feet to the centre of Provincial Highway number 28;

Thence southwesterly along the said centre line of said Provincial Highway 30 feet;

Thence northwesterly in a straight line to a point within the said lot number 11 in the 12th Concession of the said Township distant 912 feet measured westerly parallel with the northern limit of the said lot from a point in the eastern limit of the said lot distant 1,128 feet 6 inches southerly from the northeasterly angle thereof;

Thence easterly parallel with the said northerly limit of the said lot 406 feet to a point marking the southwesterly angle of part of the said lot described in Registered Deed Number 6852 of the said Township;

Thence northerly parallel with the said easterly limit of the said lot 575 feet 6 inches along the westerly limit of the last mentioned parcel to the northwesterly angle thereof;

Thence easterly parallel with the said northerly limit of the said lot 506 feet to the said easterly limit of the said lot;

Thence northerly along the said limit and its northerly production

thereof 586 feet to a point in the centre of road allowance between Concessions 12 and 13 of the said Township;

Thence easterly along the centre line of the said road allowance between Concessions 12 and 13 of the said Township 79 feet to its intersection with the southerly production of the western limit of the said lot number 12 in the 13th Concession of the said Township;

Thence northerly along the said production and along the said limit 2,339 feet 11 inches to the said centre of Weller Street;

Thence easterly along the centre line of said Weller Street 1,490 feet 6 inches to the point of commencing.

Together with all those parts of the original road allowance between the Concessions, Township lots, and park lots situate within the area hereinbefore defined.

Schedule "B"

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of North Monaghan, in the County of Peterborough and the Province of Ontario and being composed of parts of lots numbers 13, 14, 15 and 16 in the 11th Concession and part of lot number 16 in the 12th Concession of the said Township, which said parcel is further described as follows, that is to say:—

Commencing at the intersection of the centre line of Monaghan Road in the said Township, being the road allowance between lots numbers 12 and 13 in the 11th Concession of the said Township and the westerly production of the southerly limit of park lot number 20 in lot number 13 in the 11th Concession of the said Township;

Thence southerly along the centre line of the said road allowance between lots numbers 12 and 13 in the 11th Concession of the said Township to a point which would be intersected by the production westerly of the southerly limit of the most southerly lane shown on Registered Plan Number 45 of the said Township.

Thence easterly along the said last mentioned production and the southerly limit of the most southerly lane shown on said Registered Plan Number 45 and along the easterly production of the said southerly limit of the said lane to its intersection with the centre line of Park Street in the said Township, being the road allowance between Township lots numbers 13 and 14 in the 11th Concession of the said Township;

Thence southerly along the centre line of the said road allowance between said Township lots numbers 13 and 14 in the 11th Concession of the said Township and along the production southerly thereof across a Government Reserve one chain wide to the shore of Otonabee River;

Thence in a northeasterly direction following the shore of the Otonabee River to a point where the same is intersected by the northerly limit of Lansdowne Street, being the road allowance between Concessions 11 and 12 of the said Township;

Thence in a northeasterly, northwesterly, westerly and southwesterly direction following the shore of the Otonabee River and the shore of the Little Lake to a point which would be intersected by the westerly limit of Haggart Street as shown on Registered Plan Number 31 for the City of Peterborough produced northerly across the River Road shown on said Registered Plan Number 31 to the shore of Little Lake;

Thence southerly along the northerly production of the said westerly limit of Haggart Street as shown on said Registered Plan Number 31 and following along the westerly limit of the said Haggart Street and its production southerly to the northern limit of Lansdowne Street, being the road allowance between Concession 11 and 12 of the said Township;

Thence westerly following the northerly limit of said Lansdowne Street to a point where the same is intersected by the westerly limit of Park Street;

Thence southerly along the production southerly of the westerly limit of Park Street and along the easterly limit of Park Lot Number 20 in lot 13 in the 11th Concession of the said Township to the southeasterly angle of said park lot number 20;

Thence westerly along the southerly limit of said park lot number 20 and along the production westerly of the said southerly limit of said park lot number 20 to the point of commencement.

Together with all those parts of the original road allowances between the concessions, Township lots and park lots situate within the area hereinbefore defined.



An Act respecting the Township of
North Monaghan.

1st Reading

March 14th, 1944

2nd Reading

3rd Reading

MR. GOODFELLOW

*(Reprinted as amended by the Committee on
Private Bills.)*

No. 21

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act repecting the Township of North Monaghan.

MR. GOODFELLOW

SCHEDULE A

P.F. B-2423.

THE ONTARIO MUNICIPAL BOARD

Tuesday, the 8th day of February, A.D. 1944.

BEFORE:

R. S. COLTER, Esq., K.C., | IN THE MATTER OF The Municipal
Chairman, | Amendment Act, 1939, 3 Geo. VI,
Chapter 30, Section 2, and

W. P. NEAR, Esq., B.A.Sc., |
Vice-Chairman. | IN THE MATTER OF the Application by
the Corporation of the Township of
North Monaghan for annexation to
be City of Peterborough of part of
the said Township of North
Monaghan.

Upon the application of the Corporation of the Township of North Monaghan in the presence of:

F. D. KERR, K.C., for the Corporation of the Township of North Monaghan,
MELVILLE JOHNSTON, Reeve of the Corporation of the Township of North Monaghan,
A. W. ARCHIBALD, Deputy-Reeve of the Corporation of the Township of North Monaghan.
BRUCE JOHNSTON, Clerk of the Corporation of the Township of North Monaghan,
WALTER BANNON, Chairman of North Monaghan Township Area Public Schools,
HARRY WELCH, Secretary of North Monaghan Township Area Public Schools,
V. J. McELDERRY, K.C., for the Corporation of the County of Peterborough,
MRS. JENNIE A. SPURWAY, Clerk of the County of Peterborough,
GILBERT McILMOYLE and PETER MATHER, County Councillors for the County of Peterborough,
W. F. HUYCKE, K.C., and JOHN R. CORKERY, Esq., for the Corporation of the City of Peterborough,
JAMES HAMILTON, Mayor of the City of Peterborough,
E. A. OUTRAM, Clerk of the City of Peterborough,
J. F. STRICKLAND, K.C., for the Board of Education of the City of Peterborough,
KEITH S. WICHTMAN, Inspector of Public Schools,
HON. G. N. GORDON, K.C., for Earl Davies, a ratepayer of the Township of North Monaghan,

and upon reading By-law Number 1253 of the Council of the Corporation of the Township of North Monaghan passed on the 28th day of October, 1943, filed with the Board authorizing an application for annexation of part of the Township of North Monaghan to the City of Peterborough and upon reading resolution of the Council of the Corporation of the City of Peterborough dated 22nd November, 1943, filed with the Board and the application of the Township of North Monaghan coming on for hearing before this Board at the Council Chamber in the City Hall in the City of Peterborough on the 16th day of December, 1943, and the 27th day of January, 1944; and upon reading By-law Number 1260 of the Corporation of the Township of North Monaghan passed on the 1st day of February, 1944, repealing said By-law 1253 of the said Corporation of the Township of North Monaghan and authorizing the application for annexation of the land in the Township of North Monaghan described in Schedule "A" and "B" hereto to the City of Peterborough and same being duly filed, and upon hearing what was alleged by Counsel on behalf of the Corporation of the Township of North Monaghan and Counsel on behalf of the Corporation

of the County of Peterborough and Counsel on behalf of the Corporation of the City of Peterborough and Counsel on behalf of the Board of Education of the City of Peterborough, the Reeve and Clerk of the said Township of North Monaghan, and the Mayor and Clerk of the said City of Peterborough, and upon being satisfied that public notice of the hearing had been given as directed by the Board and upon holding a public hearing in the City Council Chamber in the City of Peterborough on Tuesday the 8th day of February, 1944.

THIS BOARD DOETH ORDER AND PROCLAIM that those parts of the Township of North Monaghan, in the County of Peterborough, described in Schedules "A" and "B" be and the same are hereby annexed to the City of Peterborough and the said annexation shall take effect upon and subject to the following terms and conditions, namely:

1. That the taxes, assessments, rents, water, school and other rates in respect of the said annexed districts to be levied by the City of Peterborough in respect of the said annexed territory shall from and after such date as may be fixed by the Act of the Legislature of the Province of Ontario confirming this Order, be the same and payable at the same time and in the same manner as taxes, assessments, rents, water, school and other rates levied and raised from time to time on the property within the old boundaries of the City of Peterborough as they existed on the first day of January, 1944, and the assessment of the said annexed territory by the City of Peterborough shall from and after the date fixed by Act of said Legislature confirming this Order be on the same basis and made at the same time and in the same manner as in said old boundaries of the City of Peterborough, except that the assessment by the Corporation of the City of Peterborough of said annexed territory for the year of said annexation as fixed by Act of the Legislature confirming this Order may be taken by the Assessor of the City of Peterborough at any time after the date of the confirmation of this Order by Act of the Legislature of Ontario.

2. The Township of North Monaghan shall at all reasonable times allow the Corporation of the City of Peterborough, its servants and agents, access to the Assessment Rolls of the said portion of the said Township of North Monaghan and to all local improvement By-laws and local improvement assessment rolls, and also all plans, surveys and maps applicable to the said portions of the said Township for the purpose of making copies of the same named in the Act.

3. (a) All taxes imposed by the Township in the annexed areas up to the day named in the Act confirming this Order and making it effective and all arrears of taxes owing in the said district shall belong to the Township of North Monaghan.

(b) The Corporation of the Township of North Monaghan shall forthwith prepare and furnish to the Corporation of the City of Peterborough a special Collector's Roll showing all arrears of taxes or special rates assessed against the lands in the annexed areas up to the day which is fixed by the Act of the Legislature confirming this Order and the persons assessed therefor.

(c) The Corporation of the City of Peterborough shall have the right to collect all taxes belonging to said Township of North Monaghan in said district as set out in clause 3 (a) hereof according to said special collector's roll, including the right to distrain for non-payment of said arrears, or if necessary the right to sell the said lands, if any, for non-payment of such arrears, as fully as if the said taxes had been assessed and levied by the Corporation of the said City, but the proceeds of the collection of such taxes, or any part of the same, after deducting therefrom the proper costs and expenses in connection with the collection of same, shall be repaid by the corporation of the City of Peterborough to the said Corporation of the Township of North Monaghan within six months from the date of collection, provided that the said Corporation of the City of Peterborough shall proceed to collect the said arrears of taxes shown on said special roll, in the same manner as if it had assessed and levied the same, and for that purpose the City Corporation shall have all the rights and powers conferred upon municipalities by the Assessment Act, or other Act

in force regarding the collections of arrears of taxes in the annexed areas, but the City Corporation shall not be responsible to the Corporation of the Township of North Monaghan for any such arrears of taxes which it may be unable to collect.

(d) The Corporation of the Township of North Monaghan shall indemnify and save harmless the Corporation of the City of Peterborough from all loss, costs, charges and expenses arising from any act or omission of the Township of North Monaghan or their officials or servants in connection with the said Special Roll.

4. The Council of the Corporation of the City of Peterborough is hereby empowered to pass a By-law or By-laws defining the polling subdivisions of the said annexed districts and the City Clerk shall prepare from the last certified voters' list of the Township of North Monaghan a supplementary list of voters containing the names of and the other particulars relating to the persons who would have been entitled to vote in such district or territory if it had not been detached, pursuant to Section 104 of The Municipal Act.

5. (a) All rights, title and interest in the Corporation of the Township of North Monaghan and the Corporation of the County of Peterborough in the highways and streets in the said areas together with any and all right, title and interest in any franchises or agreements heretofore given or made, and insofar only as they affect the portions of the said highways and streets in the areas so annexed, shall vest in the Corporation of the City of Peterborough.

(b) All rights, title and interest of the Corporation of the Township of North Monaghan in any other lands and premises in said annexed area shall vest in the Corporation of the City of Peterborough.

6. Where any work heretofore has been constructed in the said areas to be annexed and such work is defective or insufficient, the Corporation of the City of Peterborough may proceed with the construction of required works under the provisions of The Local Improvement Act notwithstanding the lifetime of the first mentioned work has not expired.

7. The residents of the areas to be annexed from and after the date fixed by Act of the Legislature confirming this Order shall be entitled to water, gas and electricity from the Peterborough Utilities Commission upon the same terms and conditions as the other residents of the City of Peterborough.

8. (a) The present wards in the City of Peterborough numbered Wards 1, 2, 3, 4, and 5 shall be respectively numbered Wards 2, 3, 4, 5, and 6.

(b) All that part of the areas to be annexed lying South of Lansdowne Street and the Easterly and Westerly extensions of Lansdowne Street shall constitute and be Ward Number 1 of the City of Peterborough.

(c) All that part of the areas to be annexed lying North of Lansdowne Street and the Easterly and Westerly Extensions of Lansdowne Street and South of Sherbrooke Street and the Westerly extension of Sherbrooke Street shall be and form part of Ward Number 2 as re-designated.

(d) All that part of the areas to be annexed lying North of Sherbrooke Street and the Westerly extension of Sherbrooke Street shall be and form part of Ward Number 4 as re-designated.

9. (a) The Corporations of the Township of North Monaghan, the County of Peterborough and the City of Peterborough and the Board of Education of the City of Peterborough shall be entitled to and shall be bound to make an adjustment of assets and liabilities pursuant to section 23 of The Municipal Act and Section 38 of The Public Schools Act shall apply as between the municipalities and school sections affected by this Order, and in the event of the parties hereto not being able to agree upon the adjustments of assets and liabilities then all such questions of adjustment

may be referred to Judge Sheldon L. Smoke, Judge of the County Court of the County of Peterborough, or such other person or persons as the Board may appoint, who shall make inquiry and report to the Municipal Board upon the adjustment of assets and liabilities and all rights, claims, liabilities and obligations referred to in clauses (a), (b), and (c) of subsection 8 of Section 23 of The Municipal Act as amended by The Municipal Amendment Act, 1939, 3 George VI, Chapter 30, Section 2.

Seal)

(Signed) W. P. NEAR,
Vice-Chairman.

Schedule "A"

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the Township of North Monaghan, in the County of Peterborough and the Province of Ontario and being composed of parts of lots numbered 11, 12, and 13 in the 11th Concession, parts of lots number 11 and 12 in the 12th Concession and part of lot number 12 in the 13th Concession of the said Township, which said parcel is further described as follows, that is to say:—

Commencing at the intersection of the centre lines of Weller Street and Albertus Avenue according to registered plan number 144 of the City of Peterborough:

Thence southerly along the centre line of Albertus Avenue 1,195 feet to the centre line of Charlotte Street as shown on the said plan;

Thence easterly along the said centre line of Charlotte Street 470 feet to its intersection with the centre line of Monaghan Road;

Thence southerly along the said centre line of Monaghan Road 1,177 feet 11 inches to its intersection with the centre line of Sherbrooke Street, being the road allowance between Concessions 12 and 13 of the Township of North Monaghan;

Thence westerly along the said centre line of Sherbrooke Street 679 feet 11 inches to its intersection with the northerly production of the centre line of Grandview Avenue according to Registered Plan Number 44 of the said Township;

Thence southerly along the said production and the said centre line of Grandview Avenue 449 feet to its intersection with the westerly production of the southerly limit of property now known as Prince of Wales School;

Thence easterly along the said limit parallel with Sherbrooke Street 596 feet 6 inches to the centre line of Monaghan Road in the said 12th Concession of the said Township of North Monaghan;

Thence southerly along the said centre line of Monaghan Road 4,272 feet 7 inches to its intersection with the centre line of Lansdowne Street in the said City being the road allowance between Concessions 11 and 12 of the said Township;

Thence easterly along the said centre line of Lansdowne Street 550 feet to the southeasterly limit of the right of way of the Canadian National Railway;

Thence southwesterly along the said limit 376 feet 11 inches to the southerly limit of Park Lot Number 20 in Lot 13, Concession 11 of the said Township;

Thence westerly along the southerly limit of said park lot number 20 and its westerly production and in a line parallel with the road allowance between Concessions 11 and 12 of the said Township to a point in the westerly limit of lot number 1 according to Registered Plan Number 17 of the said Township, which point is distant 228 feet southerly from the northerly limit of said lot number 1;

Thence northerly along the westerly limit of said lot number 1 a distance of 1 foot more or less to a point which would be intersected by the productions easterly of the southerly limit of lot number 91 as shown on Registered Plan Number 58 for the said Township;

Thence westerly and parallel with the southerly limit of Lansdowne Street and following the southerly limit of said lot number 91 and its

production easterly, the production westerly of the said southerly limit of lot number 91, the southerly limit of lot number 64 according to said Registered Plan Number 58, the production westerly of the said southerly limit of said lot 64, the southerly limit of lot number 57 as shown on said Registered Plan Number 58, the production westerly of the said southerly limit of said lot number 57 and the southerly limit of lot number 17 according to said Registered Plan Number 58 to the southwesterly angle of said lot number 17;

Thence southerly along the westerly limits of lots numbers 18 and 19 according to said Registered Plan Number 58 a distance of 62 feet to the southwest angle of said lot number 19 as shown on said Registered Plan Number 58;

Thence westerly along the northerly limits of lots numbers 23, 24, 25, 26 and 27 as shown on said Registered Plan Number 58 to the northwest angle of said lot number 27;

Thence southerly along the westerly limit of said lot number 27 as shown on said Registered Plan Number 58 a distance of 1 foot more or less to a point distant 290 feet southerly from the southerly limit of Lansdowne Street;

Thence westerly and parallel with the northerly limit of lot number 4 according to said Registered Plan Number 17 a distance of 163 feet;

Thence northerly and parallel with the westerly limit of said lot number 4 a distance of 62 feet to a point distant 228 feet southerly from the northerly limit of said lot number 4;

Thence westerly and parallel with the northerly limits of lots numbers 4, 5, 6 and 7 according to said Registered Plan Number 17 to the westerly limit of lot number 7 according to said Registered Plan Number 17 of the said Township;

Thence northerly along the westerly limit of said lot number 7 according to said Registered Plan Number 17 and the northerly production thereof 261 feet to the centre of the said Lansdowne Street;

Thence easterly along the said centre of Lansdowne Street 55 feet to the southerly production of the westerly limit of lands subdivided under Registered Plan Number 49 of the said Township;

Thence northerly along the said production, along the said westerly limit of the lands subdivided under said plan number 49 and along the northerly production thereof, 3,028 feet to the centre of Provincial Highway number 28;

Thence southwesterly along the said centre line of said Provincial Highway 30 feet;

Thence northwesterly in a straight line to a point within the said lot number 11 in the 12th Concession of the said Township distant 912 feet measured westerly parallel with the northern limit of the said lot from a point in the eastern limit of the said lot distant 1,128 feet 6 inches southerly from the northeasterly angle thereof;

Thence easterly parallel with the said northerly limit of the said lot 406 feet to a point marking the southwesterly angle of part of the said lot described in Registered Deed Number 6852 of the said Township;

Thence northerly parallel with the said easterly limit of the said lot 575 feet 6 inches along the westerly limit of the last mentioned parcel to the northwesterly angle thereof;

Thence easterly parallel with the said northerly limit of the said lot 506 feet to the said easterly limit of the said lot;

Thence northerly along the said limit and its northerly production

thereof 586 feet to a point in the centre of road allowance between Concessions 12 and 13 of the said Township;

Thence easterly along the centre line of the said road allowance between Concessions 12 and 13 of the said Township 79 feet to its intersection with the southerly production of the western limit of the said lot number 12 in the 13th Concession of the said Township;

Thence northerly along the said production and along the said limit 2,339 feet 11 inches to the said centre of Weller Street;

Thence easterly along the centre line of said Weller Street 1,490 feet 6 inches to the point of commencing.

Together with all those parts of the original road allowance between the Concessions, Township lots, and park lots situate within the area hereinbefore defined.

Schedule "B"

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of North Monaghan, in the County of Peterborough and the Province of Ontario and being composed of parts of lots numbers 13, 14, 15 and 16 in the 11th Concession and part of lot number 16 in the 12th Concession of the said Township, which said parcel is further described as follows, that is to say:—

Commencing at the intersection of the centre line of Monaghan Road in the said Township, being the road allowance between lots numbers 12 and 13 in the 11th Concession of the said Township and the westerly production of the southerly limit of park lot number 20 in lot number 13 in the 11th Concession of the said Township;

Thence southerly along the centre line of the said road allowance between lots numbers 12 and 13 in the 11th Concession of the said Township to a point which would be intersected by the production westerly of the southerly limit of the most southerly lane shown on Registered Plan Number 45 of the said Township.

Thence easterly along the said last mentioned production and the southerly limit of the most southerly lane shown on said Registered Plan Number 45 and along the easterly production of the said southerly limit of the said lane to its intersection with the centre line of Park Street in the said Township, being the road allowance between Township lots numbers 13 and 14 in the 11th Concession of the said Township;

Thence southerly along the centre line of the said road allowance between said Township lots numbers 13 and 14 in the 11th Concession of the said Township and along the production southerly thereof across a Government Reserve one chain wide to the shore of Otonabee River;

Thence in a northeasterly direction following the shore of the Otonabee River to a point where the same is intersected by the northerly limit of Lansdowne Street, being the road allowance between Concessions 11 and 12 of the said Township;

Thence in a northeasterly, northwesterly, westerly and southwesterly direction following the shore of the Otonabee River and the shore of the Little Lake to a point which would be intersected by the westerly limit of Haggart Street as shown on Registered Plan Number 31 for the City of Peterborough produced northerly across the River Road shown on said Registered Plan Number 31 to the shore of Little Lake;

Thence southerly along the northerly production of the said westerly limit of Haggart Street as shown on said Registered Plan Number 31 and following along the westerly limit of the said Haggart Street and its production southerly to the northern limit of Lansdowne Street, being the road allowance between Concession 11 and 12 of the said Township;

Thence westerly following the northerly limit of said Lansdowne Street to a point where the same is intersected by the westerly limit of Park Street;

Thence southerly along the production southerly of the westerly limit of Park Street and along the easterly limit of Park Lot Number 20 in lot 13 in the 11th Concession of the said Township to the southeasterly angle of said park lot number 20;

Thence westerly along the southerly limit of said park lot number 20 and along the production westerly of the said southerly limit of said park lot number 20 to the point of commencement.

Together with all those parts of the original road allowances between the concessions, Township lots and park lots situate within the area hereinbefore defined.

An Act respecting the Township of
North Monaghan.

1st Reading

March 14th, 1944

2nd Reading

March 24th, 1944

3rd Reading

March 28th, 1944

MR. GOODFELLOW

No. 22

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Optometry Act.

MR. PORTER

TORONTO

PRINTED BY T. E. BOWMAN

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Optometry Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 246, s. 2,
subs. 1,
amended.

1.—(1) Subsection 1 of section 2 of *The Optometry Act* is amended by striking out the word “three” in the second line and inserting in lieu thereof the word “five”, so that the said subsection shall now read as follows:

Board of
Examiners
in Opto-
metry.

(1) There shall be a board known as the Board of Examiners in Optometry which shall be composed of five persons who shall be appointed by and hold office during the pleasure of the Lieutenant-Governor in Council.

Rev. Stat.,
c. 246, s. 2,
subs. 2,
amended.

(2) Subsection 2 of the said section 2 is amended by striking out the words “and may also appoint a secretary of the Board” in the second and third lines, so that the said subsection shall now read as follows:

Chairman.

(2) The Lieutenant-Governor in Council may appoint one of the members to be chairman of the Board.

Rev. Stat.,
c. 246, s. 2,
amended.

(3) The said section 2 is further amended by adding thereto the following subsection:

Secretary.

(3) The Board may appoint a secretary and fix his remuneration which shall be payable out of the funds of the Board.

Rev. Stat.,
c. 246, s. 3,
subs. 1,
amended.

2. Subsection 1 of section 3 of *The Optometry Act* is amended by adding thereto the following clauses:

(ff) defining disgraceful conduct for the purposes of this Act;

(fff) regulating the advertising of spectacles and eye-glasses and of the prices thereof and of the terms upon which they may be purchased; and

EXPLANATORY NOTES

SECTION 1—Subsection 1. The Board of Examiners in Optometry which now consists of three members is enlarged to five.

Subsections 2 and 3. The secretary of the Board will henceforth be appointed by the Board instead of by the Lieutenant-Governor in Council.

SECTION 2. For the purposes of section 7 of the Act as re-enacted by this Bill "disgraceful conduct" will be defined by the regulations. The regulations may also regulate the advertising of spectacles and eye-glasses.

Rev. Stat.,
c. 246, s. 7,
re-enacted.

3. Section 7 of *The Optometry Act* is repealed and the following substituted therefor:

Suspension
of certificate.

7.—(1) The Board may by order suspend or revoke the certificate of registration or exemption of any person whom it finds has been guilty of disgraceful conduct as defined by the regulations, or of incompetency, fraud or misrepresentation in connection with the practice of optometry or as an optician by such person.

Hearing.

(2) Before making a finding of disgraceful conduct, incompetency, fraud or misrepresentation in respect of any person under subsection 1, the Board shall, by notice in writing, advise such person of the complaint or charge which has been made against him and shall provide him with an opportunity of appearing before the Board at a public hearing and of presenting such evidence and making such representations as he may desire.

Review.

(3) The Board may review any finding or order made by it and make such further finding or order as it deems proper.

Power to
summon
witnesses.

Rev. Stat.,
c. 19.

(4) For the purposes of this section the chairman or acting chairman of the Board shall have all the powers that may be conferred upon a commissioner appointed under *The Public Inquiries Act*.

Appeal.

(5) An appeal shall lie from any order or finding of the Board to a judge of the Supreme Court by way of originating notice and such appeal shall be upon the evidence and representations presented and made to the Board and the judge may give such directions as he deems expedient and may make such finding and order as he deems proper and his decision shall be final.

Rev. Stat.,
c. 246, s. 10,
subs. 3,
amended.

4. Subsection 3 of section 10 of *The Optometry Act* is amended by striking out the word "or" at the end of clause *e* and by striking out clause *f*.

Short title.

5. This Act may be cited as *The Optometry Amendment Act, 1944*.

SECTION 3. The power of the Board to suspend or revoke certificates is extended to include cases where the Board finds disgraceful conduct or incompetency, fraud or misrepresentation in connection with the practice of optometry or as an optician. The Board may review its orders and power is given to the chairman to summon witnesses and require them to attend hearings held under the section. An appeal to a Supreme Court judge is provided.

SECTION 4. The clause exempting advertising from the operation of the Act is repealed.



1st Reading

April 3rd, 1944

2nd Reading

3rd Reading

MR. PORTER

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Optometry Act.

MR. PORTER

BILL

An Act to amend The Optometry Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 246, s. 2,
subs. 1,
amended.

1.—(1) Subsection 1 of section 2 of *The Optometry Act* is amended by striking out the word "three" in the second line and inserting in lieu thereof the word "five", so that the said subsection shall now read as follows:

Board of
Examiners
in Opto-
metry.

(1) There shall be a board known as the Board of Examiners in Optometry which shall be composed of five persons who shall be appointed by and hold office during the pleasure of the Lieutenant-Governor in Council.

Rev. Stat.,
c. 246, s. 2,
subs. 2,
amended.

(2) Subsection 2 of the said section 2 is amended by striking out the words "and may also appoint a secretary of the Board" in the second and third lines, so that the said subsection shall now read as follows:

Chairman.

(2) The Lieutenant-Governor in Council may appoint one of the members to be chairman of the Board.

Rev. Stat.,
c. 246, s. 2,
amended.

(3) The said section 2 is further amended by adding thereto the following subsection:

Secretary.

(3) The Board may appoint a secretary and fix his remuneration which shall be payable out of the funds of the Board.

Rev. Stat.,
c. 246, s. 3,
subs. 1,
amended.

2. Subsection 1 of section 3 of *The Optometry Act* is amended by adding thereto the following clauses:

(ff) defining disgraceful conduct for the purposes of this Act;

(fff) regulating the advertising of spectacles and eyeglasses, the advertising of the prices thereof, and the advertising of the terms upon which they may be purchased; and

3. Section 7 of *The Optometry Act* is repealed and the following substituted therefor: Rev. Stat., c. 246, s. 7, re-enacted.

- 7.—(1) The Board may by order suspend or revoke the certificate of registration or exemption of any person whom it finds has been guilty of disgraceful conduct as defined by the regulations, or of incompetency, fraud or misrepresentation in connection with the practice of optometry or as an optician by such person. Suspension of certificate.
- (2) Before making a finding of disgraceful conduct, incompetency, fraud or misrepresentation in respect of any person under subsection 1, the Board shall, by notice in writing, advise such person of the complaint or charge which has been made against him and shall provide him with an opportunity of appearing before the Board at a public hearing and of presenting such evidence and making such representations as he may desire. Hearing.
- (3) The Board may review any finding or order made by it and make such further finding or order as it deems proper. Review.
- (4) For the purposes of this section the chairman or acting chairman of the Board shall have all the powers that may be conferred upon a commissioner appointed under *The Public Inquiries Act*. Power to summon witnesses. Rev. Stat., c. 19.
- (5) An appeal shall lie from any order or finding of the Board to a judge of the Supreme Court by way of originating notice and such appeal shall be upon the evidence and representations presented and made to the Board and the judge may give such directions as he deems expedient and may make such finding and order as he deems proper and his decision shall be final. Appeal.

4. Subsection 3 of section 10 of *The Optometry Act* is amended by striking out the word "or" at the end of clause e and by striking out clause f. Rev. Stat., c. 246, s. 10, subs. 3, amended.

5. This Act may be cited as *The Optometry Amendment Act, 1944*. Short title.

An Act to amend The Optometry Act.

1st Reading

April 3rd, 1944

2nd Reading

April 4th, 1944

3rd Reading

April 5th, 1944

MR. PORTER

No. 23

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Weed Control Act.

MR. KENNEDY

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 23

1944

BILL

An Act to amend The Weed Control Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat.,
c. 344, s. 18,
and schedule
repealed.

1. Section 18 of *The Weed Control Act* and the Schedule to the said Act are repealed.

Short title.

2. This Act may be cited as *The Weed Control Amendment Act, 1944*.

EXPLANATORY NOTE

Section 18 of *The Weed Control Act* requires operators of threshing machines for hire to register annually with the Minister of Agriculture and pay a fee of \$1.00 for each registration. This requirement serves no practical purpose and the Bill repeals the provision as well as the form of certificate of registration which is prescribed.

An Act to amend The Weed Control Act.

1st Reading

February 22nd, 1944

2nd Reading

3rd Reading

MR. KENNEDY

No. 23

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Weed Control Act.

MR. KENNEDY



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HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat.,
c. 344, s. 18,
and schedule
repealed.

1. Section 18 of *The Weed Control Act* and the Schedule to the said Act are repealed.

Short title.

2. This Act may be cited as *The Weed Control Amendment Act, 1944*.

1st Reading

February 22nd, 1944

2nd Reading

February 25th, 1944

3rd Reading

February 29th, 1944

MR. KENNEDY

No. 24

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944.

BILL

An Act to amend The Justices of the Peace Act.

MR. BLACKWELL

BILL

An Act to amend The Justices of the Peace Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 132, s. 2,
amended.

1. Section 2 of *The Justices of the Peace Act* is amended by inserting at the commencement thereof the words "subject to section 2a", so that the said section shall now read as follows:

Appoint-
ment by the
Lieutenant-
Governor
in Council.

2. Subject to section 2a the Lieutenant-Governor by commission under the Great Seal in pursuance of an Order-in-Council, whenever he thinks fit, may appoint justices of the peace in and for the Province of Ontario or any part thereof.

Rev. Stat.,
c. 132,
amended.

2. *The Justices of the Peace Act* is amended by adding thereto the following section:

Examina-
tion as to
qualifica-
tions.

2a.—(1) Any person other than a barrister or solicitor desirous of being appointed a justice of the peace shall be subject to examination in regard to his qualification for the office by the judge of the county or district court of the county or district in which he resides, or by such other person as may be appointed in that behalf by the Lieutenant-Governor, and no such person shall be appointed a justice of the peace without a certificate from such judge or other person that he has examined the applicant and finds him qualified for the office and that in his opinion a justice of the peace is needed for the public convenience in matters pertaining to the administration of justice.

Regula-
tions.

(2) The Lieutenant-Governor in Council may make regulations for such examination and certificate.

Short title.

3. This Act may be cited as *The Justices of the Peace Amendment Act, 1944*.

EXPLANATORY NOTE

The Bill requires a person other than a barrister or solicitor who is desirous of becoming a justice of the peace to be examined by a county judge or by a person appointed for that purpose by the Lieutenant-Governor. An appointment will be made only where the judge finds that the applicant is qualified for the office and that a justice of the peace is needed for the public convenience in matters pertaining to the administration of justice.

An Act to amend The Justices of the
Peace Act.

1st Reading

February 24th, 1944

2nd Reading

3rd Reading

MR. BLACKWELL

No. 24

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944.

BILL

An Act to amend The Justices of the Peace Act.

MR. BLACKWELL

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1. Section 2 of *The Justices of the Peace Act* is amended by inserting at the commencement thereof the words "subject to section 2a", so that the said section shall now read as follows:

Appoint-
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in Council.

2. Subject to section 2a the Lieutenant-Governor by commission under the Great Seal in pursuance of an Order-in-Council, whenever he thinks fit, may appoint justices of the peace in and for the Province of Ontario or any part thereof.

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2a.—(1) Any person other than a barrister or solicitor desirous of being appointed a justice of the peace shall be subject to examination in regard to his qualification for the office by the judge of the county or district court of the county or district in which he resides, or by such other person as may be appointed in that behalf by the Lieutenant-Governor, and no such person shall be appointed a justice of the peace without a certificate from such judge or other person that he has examined the applicant and finds him qualified for the office and that in his opinion a justice of the peace is needed for the public convenience in matters pertaining to the administration of justice.

Regula-
tions.

(2) The Lieutenant-Governor in Council may make regulations for such examination and certificate.

Short title

3. This Act may be cited as *The Justices of the Peace Amendment Act, 1944*.

An Act to amend The Justices of the
Peace Act.

1st Reading

February 24th, 1944

2nd Reading

February 25th, 1944

3rd Reading

February 29th, 1944

MR. BLACKWELL

No. 25

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act respecting Wartime Housing.

MR. DUNBAR

BILL

An Act respecting Wartime Housing.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

"Taxes"
defined.

1. In this Act "taxes" shall mean taxes for every purpose of the municipality including the sums required by law to be provided by the council for school purposes and for any board, commission or other body.

Wartime
Housing
Limited,—
agreements.

2. Notwithstanding any other Act, the council of a local municipality may by by-law authorize an agreement between the municipal corporation and Wartime Housing Limited on such terms and conditions as the council may deem proper for fixing the amount of money that shall be paid annually during the life of the agreement by Wartime Housing Limited to the municipality in lieu of taxes that would otherwise be payable in respect of the real property of Wartime Housing Limited occupied by tenants; provided that such amount shall not be less than \$24 in respect of each two-bedroom house, \$30 in respect of each more than two-bedroom house and \$150 in respect of each staff-house.

Condition
of passing
of by-law.

3. The by-law mentioned in section 2 shall require the affirmative vote of three-quarters of all the members of the council.

Termina-
tion of
agreement.

4. The agreement mentioned in section 2 shall provide for its termination which shall occur not later than six months after the day named by the Lieutenant-Governor by his proclamation as the day upon which actual hostilities between Canada and Germany and Japan shall for the purposes of this Act be deemed to have ceased.

Local
boards.

5. Notwithstanding any other Act, every board, commission or other body for which the council is by law required to provide money or levy rates shall be bound by the agreement mentioned in section 2.

EXPLANATORY NOTES

The purpose of this Bill is to enable municipalities in which Wartime Housing Limited has erected houses to accept compensation in lieu of the taxes that otherwise would be payable by tenants of Wartime Housing Limited.

The provisions of the Bill, except as noted particularly, are self-explanatory.

Distribution
of money.

6. The money mentioned in section 2 shall be distributed by the council in the same manner and proportion and to the same bodies for which the council is required by law to levy rates as would have been the case if rates had been levied in the usual way.

Applica-
tion to
Municipal
Board.

7. Where any such body is not satisfied that the distribution made by the council under section 6 was made in accordance with law, such body may apply to the Ontario Municipal Board for an order varying such distribution.

Powers of
Board.

8. Upon an application under section 7 the Board may confirm or vary the distribution provided for in section 6 and the order of the Board thereon shall be final and binding.

County
rates.

9. Where the assessments of the real property mentioned in section 2 have been included in the valuation of the municipality for the purposes of county equalization, the equalized assessment shall be decreased by the amount of such assessments and the county rate reduced accordingly.

Right to
vote not
affected.

10. The right to vote of the tenants of Wartime Housing Limited shall not be affected by anything in this Act and the assessment rolls and voters' lists shall be prepared in the usual manner as though this Act had not been passed.

Conflict.

11. In the event of a conflict between the provisions of this Act and any other Act the provisions of this Act shall prevail.

1942, c. 34,
s. 42, re-
pealed.

12. Section 42 of *The Statute Law Amendment Act, 1942*, is repealed.

Retroactive
effect.

13. This Act shall be deemed to have come into force on the 24th day of February, 1941.

Short title.

14. This Act may be cited as *The Wartime Housing Act, 1944*.

SECTION 12. The section repealed is replaced by this Act. It was found to be too limited in scope.

SECTION 13. February 24th, 1941, was the date on which Wartime Housing Limited came into existence.



1st Reading

February 24th, 1944

2nd Reading

3rd Reading

MR. DUNBAR

No. 25

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act respecting Wartime Housing.

MR. DUNBAR

(Reprinted as amended in Committee of the Whole House.)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting Wartime Housing.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

"Taxes"
defined.

1. In this Act "taxes" shall mean taxes for every purpose of the municipality including the sums required by law to be provided by the council for school purposes and for any board, commission or other body.

Wartime
Housing
Limited,—
agreements.

2. Notwithstanding any other Act, the council of a local municipality may by by-law authorize an agreement between the municipal corporation and Wartime Housing Limited on such terms and conditions as the council may deem proper for fixing the amount of money that shall be paid annually during the life of the agreement by Wartime Housing Limited to the municipality in lieu of taxes that would otherwise be payable in respect of the real property of Wartime Housing Limited occupied by tenants; provided that such amount shall not be less than \$24 in respect of each two-bedroom house, \$30 in respect of each more than two-bedroom house and \$150 in respect of each staff-house.

Condition
of passing
of by-law.

3. The by-law mentioned in section 2 shall require the affirmative vote of three-quarters of all the members of the council.

Termina-
tion of
agreement.

4. The agreement mentioned in section 2 shall provide for its termination which shall occur not later than six months after the day named by the Lieutenant-Governor by his proclamation as the day upon which actual hostilities between Canada and Germany and Japan shall for the purposes of this Act be deemed to have ceased.

Local
boards.

5. Notwithstanding any other Act, every board, commission or other body for which the council is by law required to provide money or levy rates shall be bound by the agreement mentioned in section 2.

EXPLANATORY NOTES

The purpose of this Bill is to enable municipalities in which Wartime Housing Limited has erected houses to accept compensation in lieu of the taxes that otherwise would be payable by tenants of Wartime Housing Limited.

The provisions of the Bill, except as noted particularly, are self-explanatory.

Distribution
of money.

6. The money mentioned in section 2 shall be distributed by the council to each of the bodies for which the council is required by law to levy rates in the same proportion as the levy of each of such bodies bears to the total levy. 

Applica-
tion to
Municipal
Board.

7. Where any such body is not satisfied that the distribution made by the council under section 6 was made in accordance with law, such body may apply to the Ontario Municipal Board for an order varying such distribution.

Powers of
Board.

8. Upon an application under section 7 the Board may confirm or vary the distribution provided for in section 6 and the order of the Board thereon shall be final and binding.

County
rates.

9. Where the assessments of the real property mentioned in section 2 have been included in the valuation of the municipality for the purposes of county equalization, the equalized assessment shall be decreased by the amount of such assessments and the county rate reduced accordingly.

Right to
vote not
affected.

10. The right to vote of the tenants of Wartime Housing Limited shall not be affected by anything in this Act and the assessment rolls and voters' lists shall be prepared in the usual manner as though this Act had not been passed.

Conflict.

11. In the event of a conflict between the provisions of this Act and any other Act the provisions of this Act shall prevail.

1942, c. 34,
s. 42, re-
pealed.

12. Section 42 of *The Statute Law Amendment Act, 1942*, is repealed.

Retroactive
effect.

13. This Act shall be deemed to have come into force on the 24th day of February, 1941.

Short title.

14. This Act may be cited as *The Wartime Housing Act, 1944*.

SECTION 12. The section repealed is replaced by this Act. It was found to be too limited in scope.

SECTION 13. February 24th, 1941, was the date on which Wartime Housing Limited came into existence.



1st Reading

February 24th, 1944

2nd Reading

February 28th, 1944

3rd Reading

MR. DUNBAR

*(Reprinted as amended in Committee of the
Whole House).*

No. 25

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act respecting Wartime Housing.

MR. DUNBAR

TORONTO
PRINTED BY T. E. BOWMAN
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1. In this Act "taxes" shall mean taxes for every purpose of the municipality including the sums required by law to be provided by the council for school purposes and for any board, commission or other body.

Wartime
Housing
Limited,—
agreements.

2. Notwithstanding any other Act, the council of a local municipality may by-law authorize an agreement between the municipal corporation and Wartime Housing Limited on such terms and conditions as the council may deem proper for fixing the amount of money that shall be paid annually during the life of the agreement by Wartime Housing Limited to the municipality in lieu of taxes that would otherwise be payable in respect of the real property of Wartime Housing Limited occupied by tenants; provided that such amount shall not be less than \$24 in respect of each two-bedroom house, \$30 in respect of each more than two-bedroom house and \$150 in respect of each staff-house.

Condition
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of by-law.

3. The by-law mentioned in section 2 shall require the affirmative vote of three-quarters of all the members of the council.

Termina-
tion of
agreement.

4. The agreement mentioned in section 2 shall provide for its termination which shall occur not later than six months after the day named by the Lieutenant-Governor by his proclamation as the day upon which actual hostilities between Canada and Germany and Japan shall for the purposes of this Act be deemed to have ceased.

Local
boards.

5. Notwithstanding any other Act, every board, commission or other body for which the council is by law required to provide money or levy rates shall be bound by the agreement mentioned in section 2.

6. The money mentioned in section 2 shall be distributed by the council to each of the bodies for which the council is required by law to levy rates in the same proportion as the levy of each of such bodies bears to the total levy. ^{Distribution of money.}

7. Where any such body is not satisfied that the distribution made by the council under section 6 was made in accordance with law, such body may apply to the Ontario Municipal Board for an order varying such distribution. ^{Application to Municipal Board.}

8. Upon an application under section 7 the Board may confirm or vary the distribution provided for in section 6 and the order of the Board thereon shall be final and binding. ^{Powers of Board.}

9. Where the assessments of the real property mentioned in section 2 have been included in the valuation of the municipality for the purposes of county equalization, the equalized assessment shall be decreased by the amount of such assessments and the county rate reduced accordingly. ^{County rates.}

10. The right to vote of the tenants of Wartime Housing Limited shall not be affected by anything in this Act and the assessment rolls and voters' lists shall be prepared in the usual manner as though this Act had not been passed. ^{Right to vote not affected.}

11. In the event of a conflict between the provisions of this Act and any other Act the provisions of this Act shall prevail. ^{Conflict.}

12. Section 42 of *The Statute Law Amendment Act, 1942*, is repealed. ^{1942, c. 34, s. 42, repealed.}

13. This Act shall be deemed to have come into force on the 24th day of February, 1941. ^{Retroactive effect.}

14. This Act may be cited as *The Wartime Housing Act, 1944*. ^{Short title.}

1st Reading

February 24th, 1944

2nd Reading

February 28th, 1944

3rd Reading

March 3rd, 1944

MR. DUNBAR

No. 26

—1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Nurses' Registration Act.

MR. VIVIAN

BILL

An Act to amend The Nurses' Registration Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 230, s. 3,
re-enacted.

1. Section 3 of *The Nurses' Registration Act* is repealed and the following substituted therefor:

Director
of Nurses
Registration.

3. The Lieutenant-Governor in Council may appoint a Director of Nurses Registration and such other officers, advisers and clerks as may be deemed necessary for the administration of this Act.

Regulations.

4. The Lieutenant-Governor in Council may make regulations,

- (a) regulating the establishment, maintenance and conduct of training schools for nurses;
- (b) providing for the holding of examinations for nurses who are in attendance at or graduates of training schools;
- (c) governing the registration of graduates of training schools located within and without Ontario and prescribing registration fees and providing for the issue, suspension and cancellation of certificates of registration;
- (d) prescribing the powers, and duties of the Director of Nurses Registration and of the other officers, advisers and clerks appointed under this Act;
- (e) providing for the establishment of a council to be known as the Council of Nurse Education, and prescribing the powers and duties of the council;

EXPLANATORY NOTE

Section 3 of *The Nurses' Registration Act* which provides in a general way for the making of regulations, the appointment of officers and the prescribing of their duties is recast as two sections so as to specifically authorize the making of regulations of the type required for the due administration of the Act and to provide for the holding of post-graduate courses of instruction for nurses.

- (f) providing for and regulating the establishment, maintenance and conduct of post-graduate courses of instruction for registered nurses; and
- (g) generally for the better carrying out of the provisions of this Act

Short title. **2.** This Act may be cited as *The Nurses' Registration Amendment Act, 1944*.

An Act to amend 'The Nurses'
Registration Act.

1st Reading

February 24th, 1944

2nd Reading

3rd Reading

MR. VIVIAN

No. 26

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

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- (b) providing for the holding of examinations for nurses who are in attendance at or graduates of training schools;
- (c) governing the registration of graduates of training schools located within and without Ontario and prescribing registration fees and providing for the issue, suspension and cancellation of certificates of registration;
- (d) prescribing the powers and duties of the Director of Nurses Registration and of the other officers, advisers and clerks appointed under this Act;
- (e) providing for the establishment of a council to be known as the Council of Nurse Education, and prescribing the powers and duties of the council;

(f) providing for and regulating the establishment, maintenance and conduct of post-graduate courses of instruction for registered nurses; and

(g) generally for the better carrying out of the provisions of this Act

2. This Act may be cited as *The Nurses' Registration Amendment Act, 1944*. Short title.

An Act to amend 'The Nurses'
Registration Act.

1st Reading

February 24th, 1944

2nd Reading

February 25th, 1944

3rd Reading

February 29th, 1944

MR. VIVIAN

No. 27

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8-GEORGE VI, 1944

BILL

An Act to amend The Highway Improvement Act.

MR. DOUCETT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 27

1944.

BILL

An Act to amend The Highway Improvement Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 56, s. 1,
cl. a, re-
enacted.

1.—(1) Clause *a* of section 1 of *The Highway Improvement Act* is repealed and the following substituted therefor:

“Bridge”.

(a) “Bridge” shall mean a public bridge, and shall include a bridge forming part of a highway or on, over or across which a highway passes.

Rev. Stat.,
c. 56, s. 1,
cl. e, re-
enacted.

(2) Clause *e* of the said section 1 is repealed and the following substituted therefor:

“Highway”;
“road”.

(e) “Highway” and “road” shall mean a common or public highway and shall include a street or bridge forming part of a highway, or on, over, under or across which a highway passes, or any other structure incidental thereto.

Rev. Stat.,
c. 56, s. 1,
cl. h, re-
enacted.

(3) Clause *h* of the said section 1 is repealed and the following substituted therefor:

“Roadway”.

(h) “Roadway” shall mean that part of the highway designed or intended for use by vehicular traffic.

Rev. Stat.,
c. 56,
s. 12, subs. 1,
amended.

2.—(1) Subsection 1 of section 12 of *The Highway Improvement Act* is amended by striking out the word “or” where it occurs the second time in the eighth line and inserting in lieu thereof the word “and”.

Rev. Stat.,
c. 56, s. 12,
subs. 5,
re-enacted.

(2) Subsection 5 of the said section 12 is repealed and the following substituted therefor:

County road
superintend-
ent.

(5) The administration and management of the county road system shall be vested in an officer to be appointed by by-law of the county council to be known as the county road superintendent, who shall

EXPLANATORY NOTES

GENERAL. While most of the sections of the Bill are restricted to a rewriting of various provisions of *The Highway Improvement Act* with a view to the clarification thereof and the rendering of several of its enactments consistent with the established practice of the Department, the Bill also extends the payment of subsidies to counties in connection with certain county bridges as well as providing for the granting of aid in respect of roads in the unorganized part of Ontario and extending the Part of the Act relating to development roads so that it will be applicable in all parts of Ontario.

SECTION 1—Subsection 1. The definition of "commission" is repealed as the term is used in various senses in the Act and its meaning is, in every instance, amply clear from the context. "Bridge" is defined as in *The Municipal Act*.

Subsection 2. The definition of "highway" is made to serve as a definition of "road" as well, as the words are used interchangeably in the Act. The word "thereon" at the conclusion of the definition is replaced by the words "incidental thereto" so as to exclude structures which do not form part of the highway.

Subsection 3. The definition of "roadway" is revised to render it consistent with its use throughout the Act.

SECTION 2—Subsection 1. A typographical error is corrected.

Subsection 2. Subsection 5 of section 12 is recast and its provisions set forth in a more orderly fashion. In addition to the provisions which it now contains it is provided that where there is a vacancy in the office of county road superintendent, the position, including the salary and allowances as approved by the council and the Minister, shall be advertised.

be an engineer approved by the Minister, and the county road superintendent shall act under the direction of the county road committee.

Qualifications.

- (5a) Every county road superintendent hereafter appointed shall be a graduate in civil engineering of a university of recognized standing, or a member of the Engineering Institute of Canada, or an Ontario Land Surveyor.

Salary to be fixed by county council.

- (5b) Where a vacancy occurs in the position of county road superintendent the county council shall advertise for applicants stating the salary and allowances which shall be paid and such salary and allowances shall be set by the county council and approved by the Minister.

Copy of by-law to be sent to Department.

- (5c) A copy of the by-law appointing the county road superintendent shall be transmitted to the Department within thirty days of the passing thereof and such appointment shall be subject to the approval of the Minister, and when so approved shall not be repealed or amended without the consent in writing of the Minister.

Members of councils not to be appointed.

- (5d) No member of the council of the county and no member of the council of any local municipality in the county shall be appointed as county road superintendent, or be employed by the county road superintendent in any capacity, and any such member who is appointed, or who acts or is employed in contravention of this section shall forfeit his seat and be disqualified from sitting or voting in the council of which he was a member at the time of his appointment or employment.

Rev. Stat., c. 56, s. 12, subs. 8, repealed.

- (3) Subsection 8 of the said section 12 is repealed.

Rev. Stat., c. 56, amended.

3. The Highway Improvement Act is amended by adding thereto the following section:

Where improved highway ceases to be important.

- 16a. Where the Minister is of the opinion that any highway or section of a highway assumed by a county council under this Act, has ceased to be, or for some other reason is not of sufficient importance to be constructed and maintained as a county road, such highway or section thereof may be struck off the approved plan of county roads by the Lieutenant-Governor in Council, and such highway or section thereof shall thereupon revert or be transferred to the corporation of the local municipality in which it is situate.

Subsection 3. The provision repealed is included in the re-enactment of subsection 5 of section 12. (See subsection 2 of this section of the Bill above.)

SECTION 3. The new section 16a is the present section 28 with minor revision.

Rev. Stat.,
c. 56, s. 17,
subs. 1,
amended.

4. Subsection 1 of section 17 of *The Highway Improvement Act* is amended by striking out the word "area" in the sixth line and inserting in lieu thereof the word "roads".

Rev. Stat.,
c. 56, s. 18,
re-enacted.

5. Section 18 of *The Highway Improvement Act* is repealed and the following substituted therefor:

Annual
statement
to Minister.

18.—(1) Where a plan of highway improvement approved by the Lieutenant-Governor in Council under this Act is being carried out the county council shall annually and may with the consent of the Minister at any time during the progress of the work submit to the Minister,—

- (a) a detailed statement of receipts and expenditures in the form prescribed by the Minister;
- (b) a declaration of the county road superintendent that the statement of receipts and expenditures is correct and that the work has been done in accordance with the requirements of the Minister and with the approval of the proper officer of the Department;
- (c) a declaration of the treasurer of the county that the statement of receipts and expenditures is correct; and
- (d) a petition for the payment of the grant, authorized by resolution of the council.

Payment to
county.

(2) Upon receipt of such statement, declarations and petition and the approval thereof by the proper officer of the Department, the Minister may direct payment to the county treasurer out of the Fund of an amount equal to fifty per centum of the amount of the expenditure which is properly chargeable to road improvement and in all cases of doubt or dispute the decision of the Minister shall be final.

Rev. Stat.,
c. 56, s. 19,
re-enacted.

6. Section 19 of *The Highway Improvement Act* is repealed and the following substituted therefor:

Certain
expenditures
not included
in statement.

19. No expenditure towards which a special contribution has been or may be made from any source shall be included in a statement submitted under section 18 except with the consent of the Minister.

Rev. Stat.,
c. 56, s. 21,
amended.

7. Section 21 of *The Highway Improvement Act* is amended by striking out the words "regulations of the Department" in the third and fourth lines and inserting in lieu thereof the

SECTION 4. "Suburban area commission" is altered to read "suburban roads commission" so that it will conform with other references to the commission throughout the Act.

SECTIONS 5 and 6. Section 18 is rewritten as sections 18 and 19 to render it consistent with the established practice of the Department. The present section 19 has become inoperative as the Department of Highways conducts an independent audit of county expenditures on roads and bridges, and is repealed.

SECTION 7. The expression "regulations of the Department" is replaced by the more accurate term "requirements of the Minister".

words "requirements of the Minister" so that the said section shall now read as follows:

County road system,—
construction
and repair.

21. Every highway constructed or repaired as part of a county road system under the provisions of this Act shall be so constructed and repaired in accordance with the requirements of the Minister.

Rev. Stat.,
c. 56, s. 22,
amended.

8. Section 22 of *The Highway Improvement Act* is amended by striking out the words "regulations and approval of the Department" in the eighth and ninth lines and inserting in lieu thereof the words "approval of the Minister", so that the said section shall now read as follows:

County
expenditure
may include
ferry service.

22. Expenditure for which the corporation of any county may be entitled to aid to county roads under this Act, may include the maintenance by the county of a ferry service which forms a connecting link of a county road system, or forms a link between county road systems of adjacent counties, and may also include the cost of purchasing, establishing and equipping such ferry service, but when so aided, the equipment, service, and tolls therefor, shall be subject to the approval of the Minister.

Rev. Stat.,
c. 56, s. 23,
re-enacted.

9. Section 23 of *The Highway Improvement Act* is repealed and the following substituted therefor:

County
expenditure
may include
county
bridges.

- 23.—(1) Where under or pursuant to the provisions of *The Municipal Act* the council of a county has jurisdiction over any bridge which is over twenty feet in span and is not included in the county road system, the expenditure involved in the replacing, maintaining or improving of such bridge under the supervision of the county road superintendent in accordance with plans approved by the Department shall be deemed to form part of the expenditure in carrying out the plan of highway improvement within the county, and debentures issued by the corporation of any county, since the 8th day of April, 1926, for the purpose of constructing, replacing or improving any such bridge shall be legal, valid and binding upon the corporation of the county and the ratepayers thereof notwithstanding that the by-law authorizing the issue thereof has not been submitted to and did not receive the assent of the ratepayers in accordance with the provisions of *The Municipal Act*.

Rev. Stat.,
c. 266.

Aid to
county
bridges.

- (2) The Minister may direct the payment to the corporation out of the Fund of an amount equal to

SECTION 8. This amendment is in line with that effected by section 7 of this Bill. Both render the provisions of the Act consistent with the practice followed.

SECTION 9. Section 23 is recast in order to give effect to the Department's policy to extend aid to a county on the larger bridges not on the county road system but which have been assumed by by-law passed pursuant to section 466 of *The Municipal Act*, as well as on bridges located on boundary lines and those which have been declared county bridges by order of a judge.

fifty per centum of the cost of constructing, maintaining, replacing or improving such bridge over twenty feet in span in accordance with plans approved by an officer of the Department designated by the Minister.

By-law to transfer jurisdiction over small bridges to local municipality.

- (3) The council of a county may by by-law declare that jurisdiction over all bridges of twenty feet or less in span which are not included in the county road system shall be transferred to the local municipalities in which they are situate, and thereupon all the property rights, liabilities and obligations of the county with respect to such bridges shall be transferred to and shall be vested in and imposed upon such local municipalities.

Diverting road to avoid construction of bridge.

- (4) The council of a county where it deems it expedient and with the approval of the Lieutenant-Governor in Council may by by-law provide for the closing of any bridge over which the county has jurisdiction under or pursuant to the provisions of *The Municipal Act*, or the substitution thereof of any other structure and for that purpose shall possess and may exercise as to such bridge or other structure and the approaches thereto all the powers of the council of a county as to highways and bridges included in a county road system.

Rev. Stat., c. 56, s. 27, subs. 1, re-enacted.

10. Subsection 1 of section 27 of *The Highway Improvement Act* is repealed and the following substituted therefor:

Agreement between local municipality and county for extra construction work.

- (1) Subject to the approval of the Minister the council of a township, town or incorporated village may enter into an agreement with the council of the county or with the suburban roads commission providing for the widening of the right-of-way, or for the construction of a wider pavement or other special construction and for the maintenance and repair thereof upon a county or suburban road in such township, town or incorporated village, and the agreement may provide that in the case of construction the cost of the work over and above the amount paid by the county under the provisions of this Act and amendments thereto shall be assessed under and according to the provisions of *The Local Improvement Act* against the owners to be specially benefited and against the township, town or incorporated village respectively according to the report of an engineer.

SECTION 10. Section 27 is re-enacted to provide that an agreement may be entered into between a local municipality and the county for the maintenance and repair of a wider pavement as well as for the construction thereof and a provision has been added so that where the councils of the county and of an urban municipality are unable to agree, the Minister may decide the issue.

Where
councils
fail to agree.

- (1a) Where the council of a town or incorporated village and the council of a county or a suburban roads commission are unable to agree upon any term or condition of an agreement authorized under this section, or where either council or the commission refuses to enter into such an agreement, the Minister may prescribe such term or condition or may require such an agreement to be entered into.

Rev. Stat.,
c. 56, ss. 28,
29, re-
enacted.

11. Sections 28 and 29 of *The Highway Improvement Act* are repealed and the following substituted therefor:

Where urban
street forms
part of
county
system.

28. Where any street in an urban municipality is part of the county road system, the council of the county shall perform all necessary work and the urban municipality shall pay to the county any proportion of the cost thereof for which it is liable under an agreement entered into under section 27 upon the report of the county road superintendent or the engineer to the suburban roads commission and the requisition of the county road committee or suburban roads commission and may raise its share of the cost of the work by the issuing of debentures without the assent of the electors.

Urban
extensions
or connect-
ing roads.

- 29.—(1) Where a street in any urban municipality not separated from the county is not a part of the county road system but is an extension of or connects roads included in the county road system, and where it is in the public interest that such street, including the bridges thereon, should be constructed or rebuilt, an agreement for the performance of the work shall be entered into between the corporation of the county and the corporation of the urban municipality upon such terms, subject to such conditions and in such form as the Minister may prescribe or approve.

Where
county and
municipality
unable to
agree.

- (2) Where the council of a county and the council of an urban municipality are unable to agree whether it is in the public interest that a street referred to in subsection 1, including the bridges thereon, should be constructed or rebuilt, the Minister may decide the issue and his decision shall be final.

Agreements.

- (3) Where the council of a county and the council of an urban municipality are unable to agree upon any term or condition or the form of any agreement required to be entered into under subsection 1, or where either council refuses to enter into such an agreement the Minister may prescribe the terms,

SECTION 11. Section 29 has been re-enacted as sections 28, 29 and 29a, so as to set forth provisions in a more orderly manner and to clarify the text. The provisions of the repealed section 28 have been re-enacted as section 16a. See section 3 of this Bill.

conditions or form thereof, or all of them, and such agreement may be enforced in the same manner as an agreement duly executed on behalf of both councils.

Extent of
liability
of county.

Proportion
to be part of
county
expenditure.

- (4) The agreement mentioned in subsection 1 shall provide that the cost of the work to the extent of twenty feet in width of the travelled portion of the roadway shall be paid by the county and the expenditure so made to the extent approved by the Minister shall form part of the expenditure of the county for the purpose of ascertaining the amount of aid which may be granted to the county under this Act.

Duty of
maintenance.

- (5) A street shall not by reason of its having been constructed pursuant to this section become the property of the county but shall, after its construction, be under the jurisdiction of, and shall be maintained and kept in repair by the urban municipality.

Extent of
liability of
urban muni-
cipality.

- (6) Where the roadway on a street referred to in subsection 1 exceeds twenty feet in width, all expenditure thereon rendered necessary by such excess width and by all other special work on the street shall be borne by the urban municipality, and the council of the urban municipality, with the approval of the Minister, may by by-law, provide for the issue of debentures to provide for the payment of such excess cost, and it shall not be necessary to obtain the assent of the electors to any such by-law nor to observe the other formalities in relation thereto prescribed by *The Municipal Act*, or the work may be undertaken as a local improvement under the provisions of *The Local Improvement Act*.

Rev. Stat.,
cc. 266;269.

Proportion
of levy
payable.

- 29a.—(1) An urban municipality situate within a county but not separated therefrom for municipal purposes, whether there is or is not any such county road, county road extension or connecting link in such urban municipality, shall be subject to the levying of an annual general rate for county road purposes under the by-law mentioned in section 12, but subject to subsections 2 and 3 the council of the county shall on or before the 31st day of December in each year remit in the case of a town, fifty per centum, and in the case of a village, seventy-five per centum of such levy for that year exclusive of any part thereof levied for the purpose of paying off the urban municipality's share of any debenture or other debt of the county.

Where re-
bate not to
be made.

Excess
expenditure
by county
not applic-
able.

When
amount
expended by
county less
than portion
payable.

Mainten-
ance, repair
and im-
provement.

Urban muni-
cipality to
submit pro-
gramme;

to submit
statement.

(2) Where in any year the county has expended on the construction, rebuilding or maintenance and repair of any county road, or on the construction or rebuilding of any county road extension or connecting link, within the urban municipality, an amount equal to or greater than the portion of the levy repayable, such portion shall be deemed to have been remitted under this section, but where the amount so expended by the county exceeds the portion of the levy repayable, such excess shall not be applied in payment of any amounts representing the portion of the levy repayable by the county to such urban municipality in future years.

(3) Where the amount so expended by the county is less than the portion of the levy repayable, the amount to be remitted by the county shall be the amount of such portion reduced by the amount so expended, but shall not in any year exceed the amount expended in that year by the urban municipality in accordance with the provisions of subsection 4.

(4) An urban municipality shall in each year expend out of its own funds such amounts as are necessary,—

(a) firstly, to maintain and keep in repair, under the supervision of the county road superintendent all county road extensions and connecting links therein, and

(b) secondly, to improve, maintain and keep in repair the other streets therein,

and in case of doubt or dispute as to the sufficiency of maintenance or repair of any county road extension or connecting link the decision of the Minister shall be final.

(5) The council of the urban municipality shall not later than the 15th day of June in each year submit to the county road superintendent a statement showing the programme of work which it proposes to carry out on street improvement and maintenance, and the estimated expenditure to be made thereon during that year, and not later than the 15th day of November in the same year, shall submit to him a detailed certified statement showing the location, nature and extent of the work done and the actual expenditure made thereon, and such statement may be subject to audit by the county or by the Department at any time.

Minister
may permit
rebate to
apply on
debentures.

- (6) Where the Minister is of the opinion that in any year it is unnecessary for the urban municipality to expend a sum equal to the whole or any part of the amount repayable by the county, on the improvement or maintenance of streets in the urban municipality he may direct that such sum may be applied in payment of the corporation's share of any outstanding debentures issued to provide for construction of streets or bridges therein, but every application for such a direction shall be made to the Minister by the urban municipality on or before the 15th day of June of such year and a copy thereof shall be sent concurrently by the urban municipality to the county road superintendent.

Rebate to
be part of
expenditure
on system.

- (7) The amount repaid by the county under this section shall be deemed to form part of the expenditure in carrying out a plan of highway improvement in the county for the purpose of ascertaining the amount of aid which may be granted to the county under this Act.

Proviso as to
application
of sub-
section 5.

- (8) The provisions of this section shall not apply to an urban municipality which is receiving under an agreement with the county council special grants for the purpose of road improvement in the urban municipality until the calendar year following that in which such agreement expires.

Rev. Stat.,
c. 56, s. 34,
amended.

- 12.** Section 34 of *The Highway Improvement Act* is amended by striking out the word "treasurer" in the third line and inserting in lieu thereof the word "clerk", and by striking out the word "or" in the fourth line and inserting in lieu thereof the word "and".

Rev. Stat.,
c. 56, s. 35,
amended.

- 13.** Section 35 of *The Highway Improvement Act* is amended by striking out the words "enter into an agreement" in the first line and inserting in lieu thereof the word "arrange", and by striking out the words "regulations and specifications of the Department" in the fifth line and inserting in lieu thereof the words "requirements of the Minister", so that the said section shall now read as follows:

Agreement
with Indian
Department
for roads in
reserves.

35. The Minister may arrange with the Department of Indian Affairs of the Government of Canada for the construction and improvement under the supervision of the Department of Highways and in accordance with the requirements of the Minister of a road in any township or any portion of a township constituting an Indian reserve where such road forms an extension of or connecting link in a county road

SECTION 12. Textual errors are corrected.

SECTION 13. The expressions "enter into an agreement" and "regulations and specifications of the Department" are replaced by the more accurate terms "arrange" and "requirements of the Minister."

system and for the payment, upon the certificate of the Minister, of fifty per centum of the cost of any work done under such agreement, such payment to be chargeable to the Highway Improvement Fund in the same manner and subject to the like provisions as set out in section 18.

Rev. Stat.,
c. 56, s. 36,
re-enacted.

14. Section 36 of *The Highway Improvement Act* is repealed and the following substituted therefor:

Suburban
roads com-
mission,—
appointment
of;

36.—(1) The Lieutenant-Governor in Council, upon application of the council of any county having or adopting a county road system under this Act, may direct that a commission or commissions be appointed as in section 42 provided, in the case of each city or town situate within the county but separated therefrom for municipal purposes, and each commission may designate and define roads or portions of roads in the county road system as suburban roads and the city or town shall contribute towards the construction and maintenance of such roads or portions of roads in accordance with the provisions of this Part.

to designate
suburban
roads
system.

Deposit of
plan in
Department.

(2) A plan and description of the system of suburban roads designated by a commission shall be deposited by the commission with the Department within six months from the date of the Order-in-Council directing the appointment of such commission, and after the approval thereof by the Minister no alterations or amendments thereof shall be made by the commission until approved in like manner.

Rev. Stat.,
c. 56, s. 37,
subs. 1,
amended.

15.—(1) Subsection 1 of section 37 of *The Highway Improvement Act* is amended by striking out the word "estimated" in the last line and inserting in lieu thereof the word "determined".

Rev. Stat.,
c. 56, s. 37,
subs. 2,
amended.

(2) Subsection 2 of the said section 37 is amended by striking out the words "and regulations made under the said Act" in the fourth and fifth lines, by striking out the word "certificate" in the seventh line and inserting in lieu thereof the word "declaration" and by striking out the words "under the jurisdiction of the Minister" in the eighth and ninth lines, so that the said subsection shall now read as follows:

Engineer of
commission
may super-
vise work on
suburban
roads.

(2) The work on suburban roads may be carried on under the supervision of a qualified engineer employed for that purpose by the commission in place of the county road superintendent, and all the provisions of this Act shall apply to such engineer in the same manner as to a county road superintendent, and the

SECTIONS 14 to 19 inclusive. Sections of Part III of the Act which deals with suburban roads have been recast so as to set forth the provisions in a more orderly and connected manner and to eliminate defects in the text. There is no change in the provisions themselves. Wherever the words "suburban area" appear, they have been altered to read "suburban roads" because it is not clear what is meant by "suburban area" which is nowhere defined in the Act.

declaration of such engineer with respect to work and expenditure upon suburban roads shall be accepted in lieu of the declaration of the county road superintendent as required by section 18.

Rev. Stat.,
c. 56, s. 38,
re-enacted.

16. Section 38 of *The Highway Improvement Act* is repealed and the following substituted therefor:

Commission
to direct
work on
suburban
roads.

38.—(1) Roads designated and approved as suburban roads shall from the time of such designation and approval, be constructed, maintained and repaired under the direction of the commission, and the expenditures thereon shall be borne by the county, the city or town and the Province in the proportion of twenty-five per centum by the county, twenty-five per centum by the city or town and fifty per centum by the Province.

Appropriation may be
by resolution
of county
council.

(2) An appropriation for the purposes mentioned in this section may be made annually by resolution of the council of the county, and may be made before the designation by the commission of the roads upon which the appropriation is to be expended.

Contribution
by city or
town,—limit
of;

(3) The amount to be provided by the city or town shall not exceed the proceeds of a rate of one-half mill on the dollar of the value of the rateable property of the city or town, according to the last revised assessment roll, unless in any year by agreement with the council of the county, the council of the city or town shall by by-law passed by a vote of at least two-thirds of the members present and voting thereon appropriate for work on suburban roads a sum not exceeding the proceeds of a rate of two mills on the dollar of the value of such rateable property but such by-law shall not be passed until the council of the county has appropriated an equal amount for the like purposes to be expended in the same year.

additional.

Rev. Stat.,
c. 56, s. 40,
subs. 3,
amended.

17. Subsection 3 of section 40 of *The Highway Improvement Act* is amended by striking out the figure "2" in the second line and inserting in lieu thereof the figure "3".

Rev. Stat.,
c. 56, s. 42,
subs. 1,
amended.

18.—(1) Subsection 1 of section 42 of *The Highway Improvement Act* is amended by striking out the words "county roads within the suburban area outside of any city or town" in the second and third lines and inserting in lieu thereof the words "suburban roads designated and approved as in section 36 provided", so that the said subsection shall now read as follows:

Commission. (1) The laying out, construction, maintenance and repair of suburban roads designated and approved as in section 36 provided and the expenditure thereon shall be directed by a commission representing the county and the city or town and appointed as herein after provided.

Rev. Stat.,
c. 56, s. 42,
subs. 4,
amended. (2) Subsection 4 of the said section 42 is amended by striking out the words "upon receipt of notice from the clerk" in the second and third lines, so that the said subsection shall now read as follows:

Time for
making
appoint-
ments. (4) The councils of the city, town and county shall make their appointments of members to the commission within thirty days after the passing of the Order-in-Council.

Rev. Stat.,
c. 56, s. 42,
subs. 8,
amended. (3) Subsection 8 of the said section 42 is amended by striking out the word "for" in the first line and inserting in lieu thereof the word "of", so that the said subsection shall now read as follows:

Vacancies. (8) Where a member of the commission dies, or resigns, or is removed, the body or authority by which such member was appointed shall appoint some other person to fill the vacancy for the remainder of the term for which such person so dying, resigning or removed was appointed.

Rev. Stat.,
c. 56, s. 42,
subs. 10,
repealed. (4) Subsection 10 of the said section 42 is repealed.

Rev. Stat.,
c. 56, s. 44,
amended. **19.** Section 44 of *The Highway Improvement Act* is amended by striking out the word "area" in the second line and inserting in lieu thereof the words "road system".

Rev. Stat.,
c. 56, s. 45,
subs. 1,
amended. **20.—**(1) Subsection 1 of section 45 of *The Highway Improvement Act* is amended by inserting after the word "centum" in the seventh line the words "or such greater proportion as he may deem requisite", so that the said subsection shall now read as follows:

Township
road
superintend-
ent, appoint-
ment and
salary. (1) The council of any township municipality in which statute labour has been abolished by by-law shall, by by-law, appoint a township road superintendent who, subject to the direction of the council, shall lay out and supervise all work and inspect all roads within the exclusive jurisdiction of the township council, and the Minister may direct that out of the Fund fifty per centum, or such greater proportion as he may deem requisite, of the salary and expenses of such superintendent paid by the township shall be reimbursed by the Province.

SECTION 20—Subsection 1. This amendment is necessary to make the subsidy payable on a township road superintendent's salary conform with increased subsidies paid on road work to certain townships under the provisions of section 47 of *The Highway Improvement Act*.



Rev. Stat.,
c. 56, s. 45,
subs. 3,
amended.

(2) Subsection 3 of the said section 45 is amended by striking out the words "general regulations as the Department" in the second line and inserting in lieu thereof the words "requirements as the Minister", so that the said subsection shall now read as follows:

Superintendent to conform to requirements of Minister.

(3) The superintendent appointed under this section shall conform to such requirements as the Minister may prescribe.

Rev. Stat.,
c. 56, s. 45,
subs. 5,
amended.

(3) Subsection 5 of the said section 45 is amended by striking out the words "any local municipality in the county" in the first and second lines and inserting in lieu thereof the words "the township", so that the said subsection shall now read as follows:

Councillors disqualified as township road superintendent.

(5) A member of the council of the township shall not be appointed or act as road superintendent or be employed by the township road superintendent in any capacity, and any such member who is appointed or who acts or is employed in contravention of this section shall forfeit his seat and be disqualified from sitting in the council of which he was a member at the time of his appointment or employment.

Rev. Stat.,
c. 56, s. 46,
subs. 1,
amended.

21.—(1) Subsection 1 of section 46 of *The Highway Improvement Act* is amended by striking out the words "and in which money is not being expended under *The Colonization Roads Act*" in the second and third lines so that the said subsection exclusive of the clauses thereof, shall now read as follows:

Grants in aid of township road work.

(1) The council of a township which has abolished statute labour may submit to the Department for approval such plans, specifications or by-laws as the Department may require for any or all of the following purposes of road construction, improvement or repair, namely,—

.

Rev. Stat.,
c. 56, s. 46,
subs. 2,
amended.

(2) Subsection 2 of the said section 46 is amended by striking out the article and word "a township" in the first line and inserting in lieu thereof the article and word "the township".

Rev. Stat.,
c. 56, ss. 47,
48, 49,
re-enacted.

22. Sections 47, 48 and 49 of *The Highway Improvement Act* are repealed and the following substituted therefor:

Township road subsidy.

47.—(1) When approved by the Department the work or expenditure of any class mentioned in section 46 shall be carried out in accordance with the require-

Subsection 2. The expression "general regulations as the Department may prescribe" is replaced by the more accurate term "requirements as the Minister may prescribe."

Subsection 3. This amendment is necessary to make the provisions of the subsection applicable to townships not included in a county.

SECTION 21—Subsection 1. Since the Department of Highways took over the administration of all roads in the Province, the Colonization Roads Act has become inoperative and the words deleted are no longer required.

Subsection 2. A typographical error is corrected.

SECTION 22. Sections 47, 48 and 49 are rewritten so as to simplify the text, set forth the provisions in a more orderly and connected manner, make them conform with established practice, and ratify the payment to townships of a general subsidy of fifty per cent of road expenditure.

ments of the Minister with regard thereto, and upon the completion of any such work or expenditure the council of the township may submit to the Minister an application in accordance with the provisions of section 48, for the provincial subsidy authorized by this Part.

Cost of ferry service may be included.

- (2) Where the township is an island, expenditure for which the corporation of the township may be entitled to aid under this Part, may include the whole or such proportion as the Minister may direct, of the cost of establishing and maintaining a ferry service between the island and the mainland by the corporation, its lessee or licensee.

Roads in Indian Reserves,—arrangements with Dominion.

- (3) The Minister may arrange with the Department of Indian Affairs of the Government of Canada that the Indian Agent for an Indian Reserve may act as road superintendent to supervise the construction, improvement and maintenance in accordance with the requirements of the Minister, of the roads in any township or portion of a township constituting the Indian Reserve and where such arrangement has been made, the Department of Indian Affairs may make application in accordance with the provisions of section 48 for the provincial subsidy authorized by this Part, and the provisions of this Part shall apply *mutatis mutandis*.

Particulars to be furnished.

- 48.—(1) The council of the township shall annually and may with the consent of the Minister at any time during the progress of the work of construction, improvement or repair of township roads submit to the Minister,—

- (a) a detailed statement of receipts and expenditures in the form prescribed by the Minister;
- (b) a declaration of the township road superintendent that the statement of receipts and expenditures is correct and that the work has been done in accordance with requirements of the Minister and with the approval of the proper officer of the Department;
- (c) a declaration of the township treasurer that the statement of receipts and expenditures is correct and that it contains no item of expenditure whether for labour or materials which was not paid to the persons performing the work or supplying the materials in actual

cash or by cheque of the corporation of the township; and

(d) a petition for the payment of the grant, authorized by resolution of the council.

Amount of provincial subsidy.

- (2) Upon the receipt of such statement, declarations and petition and the approval thereof by the proper officer of the Department, the Minister may direct payment to the township treasurer out of the Fund of an amount equal to fifty per centum of the amount of the expenditure which is properly chargeable to road improvement and in all cases of doubt or dispute the decision of the Minister shall be final.

Additional subsidy.

49. Where the Minister deems it necessary in order to secure the development of an adequate plan of road construction, he may direct that there be paid to the township such amount in addition to that paid under section 48 as he may deem requisite, but the total aid so granted in any one year shall not exceed eighty per centum of the amount of the township's funds expended on highway improvement in accordance with the requirements of the Minister.

Rev. Stat., c. 56, s. 50, re-enacted.

23. Section 50 of *The Highway Improvement Act* is repealed and the following substituted therefor:

Aid to be granted.

50. Expenditure in respect of which aid may be granted under section 48 shall not include,—

(a) any amount levied in the township for county road purposes; or

(b) any other road expenditure towards which a special contribution has been paid or may be payable from any source except with the consent of the Minister.

Rev. Stat., c. 56, s. 51, repealed.

24. Section 51 of *The Highway Improvement Act* is repealed.

Rev. Stat., c. 56, amended.

25. *The Highway Improvement Act* is amended by adding thereto the following Part:

PART IVA.

ROADS IN TERRITORY WITHOUT MUNICIPAL ORGANIZATION.

Roads where no municipal organization.

- 52b.—(1) In any part of Ontario where there is no municipal organization the Minister may arrange with

SECTION 23. Section 50 is rewritten so as to clarify the text. The expression "where a contrary provision is contained in any agreement entered into between the township and the Province" is changed to read more accurately "with the consent of the Minister."

SECTION 24. The provision repealed is re-enacted as section 91 under Part VI. See section 31 of this Bill.

SECTION 25. This section adds a new Part to the Act which provides for the granting of aid in respect of roads in those parts of Ontario where there is no municipal organization.

Rev. Stat.,
c. 274.

the road commissioners elected under *The Statute Labour Act* or with any person who is the owner of land therein or of any equity or rights in or relating to any such land, for the construction, improvement, maintenance or repair of any road situate therein that may be designated by the Minister, and the Minister may direct payment out of the Fund of an amount equal to such proportion of the cost of the work as he may deem requisite.

Where incorporation desirable.

Rev. Stat.,
c. 266.

- (2) Where the Minister deems it desirable that the inhabitants of any part of Ontario should become incorporated under *The Municipal Act*, the amount which shall be paid out of the Fund under this section in respect of a road in that part of Ontario shall not exceed fifty per centum of the value of the labour employed on the work.

Interpretation,—

“cost of the work”;

- (3) In this section,—

(a) “cost of the work” shall include the actual amount paid for materials and rental of machinery and the value of labour employed on the work; and

“value of labour employed on the work”.

(b) “value of labour employed on the work” shall be computed on the basis of the actual time worked applied to the rates of wages prevailing in the locality in which the work is performed.

Rev. Stat.,
c. 56, s. 59,
subs. 2,
amended.

26. Subsection 2 of section 59 of *The Highway Improvement Act* is amended by inserting after the word “or” in the eleventh line the words “be transferred to the municipality”, so that the said subsection shall now read as follows:

Highway may be disposed of, or revert or be transferred to municipality.

- (2) The Lieutenant-Governor in Council upon the recommendation of the Minister may direct that any highway or portion or section thereof for which an alternative route has been substituted, or which is no longer required by the Department for the purpose of the King’s Highway, or which from any cause should not remain under the jurisdiction of the Minister, may be closed to traffic or may be sold, leased or disposed of by the Minister, or may direct that any such highway, or portion or section of a highway, shall revert to the municipality previously liable for the maintenance and repair of the highway, or be transferred to the municipality within which the same is situate, and such municipal corporation shall thereupon be in possession and control

SECTION 26. This amendment is necessary to provide for cases where the King's Highway has not previously been under the jurisdiction of the municipality in which it is situate.

of the said highway from and after a date to be named by the Lieutenant-Governor in Council.

Rev. Stat.,
c. 56, s. 66,
subs. 4,
amended.

27. Subsection 4 of section 66 of *The Highway Improvement Act* is amended by striking out the words "an urban municipality not separated from the county" in the third line and inserting in lieu thereof the words "a town not being a separated town or of a village", so that the said subsection shall now read as follows:

Agreement
for work on
connecting
roads for
highway.

(4) Where it is deemed by the Minister desirable and expedient an agreement may be entered into with the corporation of a town not being a separated town or of a village for the construction, improvement, maintenance and repair therein by the municipality or by the Department of any highway which is a connecting link or extension of the King's Highway.

Rev. Stat.,
c. 56, s. 76,
subs. 1,
amended.

28. Subsection 1 of section 76 of *The Highway Improvement Act* is amended by striking out the word "Department" where it occurs in the fourth line and inserting in lieu thereof the word "Minister".

Rev. Stat.,
c. 56, s. 79b,
(1939, c. 19,
s. 8) re-
enacted.

29. Section 79b of *The Highway Improvement Act* as enacted by section 8 of *The Highway Improvement Amendment Act, 1939*, is repealed and the following substituted therefor:

"Develop-
ment
Road, —
designation
of.

79b. The Lieutenant-Governor in Council, upon the recommendation of the Minister may designate as a "Development Road" any road or proposed road which he may deem it expedient to improve or construct in order to promote or maintain settlement or development in any part of Ontario, provided that a road or proposed road situate in a municipality forming part of a county shall not be so designated unless the by-law passed by the council of the county for the levying of a general annual rate for county road purposes exempts the municipality from the levying of such rate in accordance with the provisions of section 12.

Rev. Stat.,
c. 56, s. 85,
subs. 3,
amended.

30.—(1) Subsection 3 of section 85 of *The Highway Improvement Act* is amended by striking out the word "regulations" in the fourth line and by striking out the word "walk" in the seventh line and inserting in lieu thereof the words "sidewalk, improvements or service", so that the said subsection shall now read as follows:

Local muni-
cipality to
conform to
requirements
and be re-
sponsible for
damages.

(3) A local municipality when constructing a sidewalk or other improvements or service on a road or high-

SECTION 27. This amendment is necessary to make the provisions of the subsection applicable to towns and villages in judicial districts as well as counties.

SECTION 28. The word "Department" is replaced by the more accurate term "Minister".

SECTION 29. Section 79b has been rewritten so as to permit the designation of development roads in organized as well as in unorganized municipalities in order to preserve continuity of control by the Department, and also to permit designation of development roads in municipalities in counties but which are remote from the county road system in those counties.

SECTION 30—Subsection 1. This amendment is necessary in order to define the responsibility of the local municipality with respect to improvements and services, as well as to sidewalks.

way under the provisions of this section shall conform to any requirements or conditions imposed by the authority responsible for or having control of the said road or highway, and shall be responsible for any injury or damage arising from the construction or presence of such sidewalk, improvements or service on the road or highway.

Rev. Stat.,
c. 56, s. 85,
subs. 4,
re-enacted.

(2) Subsection 4 of the said section 85 is repealed and the following substituted therefor:

Construction
of sidewalk
or footpath.

(4) The council of a township may apply to the Department for authority to construct a sidewalk or footpath on the King's Highway or a county road and the Department may grant such authority, and upon completion of the work may approve thereof at its discretion, and upon such approval being given the council may make application in the form prescribed by the Minister for, and the Minister may authorize the payment to the township out of the Fund of an amount not exceeding fifty per centum of the cost of the work.

Rev. Stat.,
c. 56,
amended.

31. *The Highway Improvement Act* is amended by adding thereto the following section:

Vouchers.

91. Wherever a subsidy is applied for by the council of any county, township or other road authority under any provision of this Act, vouchers covering all expenditures, in respect of which such subsidy is applied for, shall be furnished to the Department in a form satisfactory to the Minister.

Short title.

32. This Act may be cited as *The Highway Improvement Amendment Act, 1947*.

Subsection 2. Subsection 4 has been rewritten so as to provide for an application to be made by the council of the township for subsidy on a sidewalk on the King's Highway or a county road. The subsidy payable is made to conform with a general rate of fifty per centum paid to townships on road expenditures.

SECTION 31. The new section 91 is the present section 51 with minor revisions.



An Act to amend The Highway
Improvement Act.

1st Reading

February 24th, 1944

2nd Reading

3rd Reading

MR. DOUCETT

No. 27

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Highway Improvement Act.

MR. DOUCETT

(Reprinted as amended in Committee of the Whole House.)

TORONTO
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PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 27

1944.

BILL

An Act to amend The Highway Improvement Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 56, s. 1,
cl. a, re-
enacted.

1.—(1) Clause *a* of section 1 of *The Highway Improvement Act* is repealed and the following substituted therefor:

“Bridge”.

(a) “Bridge” shall mean a public bridge, and shall include a bridge forming part of a highway or on, over, under or across which a highway passes.

Rev. Stat.,
c. 56, s. 1,
cl. e, re-
enacted.

(2) Clause *e* of the said section 1 is repealed and the following substituted therefor:

“Highway”;
“road”.

(e) “Highway” and “road” shall mean a common or public highway and shall include a street or bridge forming part of a highway, or on, over, under or across which a highway passes, or any other structure incidental thereto.

Rev. Stat.,
c. 56, s. 1,
cl. h, re-
enacted.

(3) Clause *h* of the said section 1 is repealed and the following substituted therefor:

“Roadway”.

(h) “Roadway” shall mean that part of the highway designed or intended for use by vehicular traffic.

Rev. Stat.,
c. 56,
s. 12, subs. 1,
amended.

2.—(1) Subsection 1 of section 12 of *The Highway Improvement Act* is amended by striking out the word “or” where it occurs the second time in the eighth line and inserting in lieu thereof the word “and”.

Rev. Stat.,
c. 56, s. 12,
subs. 5,
re-enacted.

(2) Subsection 5 of the said section 12 is repealed and the following substituted therefor:

County road
superintend-
ent.

(5) The administration and management of the county road system shall be vested in an officer to be appointed by by-law of the county council to be known as the county road superintendent, who shall

EXPLANATORY NOTES

GENERAL. While most of the sections of the Bill are restricted to a rewriting of various provisions of *The Highway Improvement Act* with a view to the clarification thereof and the rendering of several of its enactments consistent with the established practice of the Department, the Bill also extends the payment of subsidies to counties in connection with certain county bridges as well as providing for the granting of aid in respect of roads in the unorganized part of Ontario, and extending the Part of the Act relating to development roads so that it will be applicable in all parts of Ontario.

SECTION 1—Subsection 1. The definition of "commission" is repealed as the term is used in various senses in the Act and its meaning is, in every instance, amply clear from the context. "Bridge" is defined as in *The Municipal Act*.

Subsection 2. The definition of "highway" is made to serve as a definition of "road" as well, as the words are used interchangeably in the Act. The word "thereon" at the conclusion of the definition is replaced by the words "incidental thereto" so as to exclude structures which do not form part of the highway.

Subsection 3. The definition of "roadway" is revised to render it consistent with its use throughout the Act.

SECTION 2—Subsection 1. A typographical error is corrected.

Subsection 2. Subsection 5 of section 12 is recast and its provisions set forth in a more orderly fashion. In addition to the provisions which it now contains it is provided that where there is a vacancy in the office of county road superintendent, the position, including the salary and allowances as approved by the council and the Minister, shall be advertised.

be an engineer approved by the Minister, and the county road superintendent shall act under the direction of the county road committee.

Qualifica-
tions.

- (5a) Every county road superintendent hereafter appointed shall be a professional engineer registered as a civil engineer under *The Professional Engineers Act*.

Rev. Stat.,
c. 237.

Salary to
be fixed by
county
council.

- (5b) Where a vacancy occurs in the position of county road superintendent the county council shall advertise for applicants stating the salary and allowances which shall be paid and such salary and allowances shall be set by the county council and approved by the Minister.

Copy of
by-law to be
sent to De-
partment.

- (5c) A copy of the by-law appointing the county road superintendent shall be transmitted to the Department within thirty days of the passing thereof and such appointment shall be subject to the approval of the Minister, and when so approved shall not be repealed or amended without the consent in writing of the Minister.

Members of
councils
not to be
appointed.

- (5d) No member of the council of the county and no member of the council of any local municipality in the county shall be appointed as county road superintendent, or be employed by the county road superintendent in any capacity, and any such member who is appointed, or who acts or is employed in contravention of this section shall forfeit his seat and be disqualified from sitting or voting in the council of which he was a member at the time of his appointment or employment.

Rev. Stat.,
c. 56, s. 12,
subs. 8,
repealed.

- (3) Subsection 8 of the said section 12 is repealed.

Rev. Stat.,
c. 56,
amended.

3. *The Highway Improvement Act* is amended by adding thereto the following section:

Where
improved
highway
ceases to
be import-
ant.

- 16a. Where the Minister is of the opinion that any highway or section of a highway assumed by a county council under this Act, has ceased to be, or for some other reason is not of sufficient importance to be constructed and maintained as a county road, such highway or section thereof may be struck off the approved plan of county roads by the Lieutenant-Governor in Council, and such highway or section thereof shall thereupon revert or be transferred to the corporation of the local municipality in which it is situate.

Subsection 3. The provision repealed is included in the re-enactment of subsection 5 of section 12. (See subsection 2 of this section of the Bill above.)

SECTION 3. The new section 16a is the present section 28 with minor revision.

Rev. Stat.,
c. 56, s. 17,
subs. 1,
amended.

4. Subsection 1 of section 17 of *The Highway Improvement Act* is amended by striking out the word "area" in the sixth line and inserting in lieu thereof the word "roads".

Rev. Stat.,
c. 56, s. 18,
re-enacted.

5. Section 18 of *The Highway Improvement Act* is repealed and the following substituted therefor:

Annual
statement
to Minister.

18.—(1) Where a plan of highway improvement approved by the Lieutenant-Governor in Council under this Act is being carried out the county council shall annually and may with the consent of the Minister at any time during the progress of the work submit to the Minister,—

- (a) a detailed statement of receipts and expenditures in the form prescribed by the Minister;
- (b) a declaration of the county road superintendent that the statement of receipts and expenditures is correct and that the work has been done in accordance with the requirements of the Minister and with the approval of the proper officer of the Department;
- (c) a declaration of the treasurer of the county that the statement of receipts and expenditures is correct; and
- (d) a petition for the payment of the grant, authorized by resolution of the council.

Payment to
county.

(2) Upon receipt of such statement, declarations and petition and the approval thereof by the proper officer of the Department, the Minister may direct payment to the county treasurer out of the Fund of an amount equal to fifty per centum, or in the case of a bridge or culvert an amount not exceeding seventy-five per centum, of the amount of the expenditure which is properly chargeable to road improvement and in all cases of doubt or dispute the decision of the Minister shall be final.

Rev. Stat.,
c. 56, s. 19,
re-enacted.

6. Section 19 of *The Highway Improvement Act* is repealed and the following substituted therefor:

Certain
expenditures
not included
in statement.

19. No expenditure towards which a special contribution has been or may be made from any source shall be included in a statement submitted under section 18 except with the consent of the Minister.

Rev. Stat.,
c. 56, s. 21,
amended.

7. Section 21 of *The Highway Improvement Act* is amended by striking out the words "regulations of the Department" in the third and fourth lines and inserting in lieu thereof the

SECTION 4. "Suburban area commission" is altered to read "suburban roads commission" so that it will conform with other references to the commission throughout the Act.

SECTIONS 5 and 6. Section 18 is rewritten as sections 18 and 19 to render it consistent with the established practice of the Department. The present section 19 has become inoperative as the Department of Highways conducts an independent audit of county expenditures on roads and bridges, and is repealed.

SECTION 7. The expression "regulations of the Department" is replaced by the more accurate term "requirements of the Minister".



words "requirements of the Minister" so that the said section shall now read as follows:

County road system,—
construction
and repair.

21. Every highway constructed or repaired as part of a county road system under the provisions of this Act shall be so constructed and repaired in accordance with the requirements of the Minister.

Rev. Stat.,
c. 56, s. 22,
amended.

8. Section 22 of *The Highway Improvement Act* is amended by striking out the words "regulations and approval of the Department" in the eighth and ninth lines and inserting in lieu thereof the words "approval of the Minister", so that the said section shall now read as follows:

County
expenditure
may include
ferry service.

22. Expenditure for which the corporation of any county may be entitled to aid to county roads under this Act, may include the maintenance by the county of a ferry service which forms a connecting link of a county road system, or forms a link between county road systems of adjacent counties, and may also include the cost of purchasing, establishing and equipping such ferry service, but when so aided, the equipment, service, and tolls therefor, shall be subject to the approval of the Minister.

Rev. Stat.,
c. 56, s. 23,
re-enacted.

9. Section 23 of *The Highway Improvement Act* is repealed and the following substituted therefor:

County
expenditure
may include
county
bridges.

- 23.—(1) Where under or pursuant to the provisions of *The Municipal Act* the council of a county has jurisdiction over any bridge which is over twenty feet in span and is not included in the county road system, the expenditure involved in the replacing, maintaining or improving of such bridge under the supervision of the county road superintendent in accordance with plans approved by the Department shall be deemed to form part of the expenditure in carrying out the plan of highway improvement within the county, and debentures issued by the corporation of any county, since the 8th day of April, 1926, for the purpose of constructing, replacing or improving any such bridge shall be legal, valid and binding upon the corporation of the county and the ratepayers thereof notwithstanding that the by-law authorizing the issue thereof has not been submitted to and did not receive the assent of the ratepayers in accordance with the provisions of *The Municipal Act*.

Rev. Stat.,
c. 266.

Aid to
county
bridges.

- (2) The Minister may direct the payment to the corporation out of the Fund of an amount not exceeding

SECTION 8. This amendment is in line with that effected by section 7 of this Bill. Both render the provisions of the Act consistent with the practice followed.

SECTION 9. Section 23 is recast in order to give effect to the Department's policy to extend aid to a county on the larger bridges not on the county road system but which have been assumed by by-law passed pursuant to section 466 of *The Municipal Act*, as well as on bridges located on boundary lines and those which have been declared county bridges by order of a judge.

seventy-five per centum of the cost of constructing, maintaining, replacing or improving any such bridge over twenty feet in span in accordance with plans approved by an officer of the Department designated by the Minister.

By-law to transfer jurisdiction over small bridges to local municipality.

- (3) The council of a county may by by-law declare that jurisdiction over all bridges of twenty feet or less in span which are not included in the county road system shall be transferred to the local municipalities in which they are situate, and thereupon all the property rights, liabilities and obligations of the county with respect to such bridges shall be transferred to and shall be vested in and imposed upon such local municipalities.

Diverting road to avoid construction of bridge.

- (4) The council of a county where it deems it expedient and with the approval of the Lieutenant-Governor in Council may by by-law provide for the closing of any bridge over which the county has jurisdiction under or pursuant to the provisions of *The Municipal Act*, or the substitution therefor of any other structure and for that purpose shall possess and may exercise as to such bridge or other structure and the approaches thereto all the powers of the council of a county as to highways and bridges included in a county road system.

Rev. Stat., c. 56, s. 27, subs. 1, re-enacted.

10. Subsection 1 of section 27 of *The Highway Improvement Act* is repealed and the following substituted therefor:

Agreement between local municipality and county for extra construction work.

- (1) Subject to the approval of the Minister the council of a township, town or incorporated village may enter into an agreement with the council of the county or with the suburban roads commission providing for the widening of the right-of-way, or for the construction of a wider pavement or other special construction and for the maintenance and repair thereof upon a county or suburban road in such township, town or incorporated village, and the agreement may provide that in the case of construction the cost of the work over and above the amount paid by the county under the provisions of this Act and amendments thereto shall be assessed under and according to the provisions of *The Local Improvement Act* against the owners to be specially benefited and against the township, town or incorporated village respectively according to the report of an engineer.

SECTION 10. Section 27 is re-enacted to provide that an agreement may be entered into between a local municipality and the county for the maintenance and repair of a wider pavement as well as for the construction thereof and a provision has been added so that where the councils of the county and of an urban municipality are unable to agree, the Minister may decide the issue.

Where
councils
fail to agree.

- (1a) Where the council of a town or incorporated village and the council of a county or a suburban roads commission are unable to agree upon any term or condition of an agreement authorized under this section, or where either council or the commission refuses to enter into such an agreement, the Minister may prescribe such term or condition or may require such an agreement to be entered into.

Rev. Stat.,
c. 56, ss. 28,
29, re-
enacted.

11. Sections 28 and 29 of *The Highway Improvement Act* are repealed and the following substituted therefor:

Where urban
street forms
part of
county
system.

28. Where any street in an urban municipality is part of the county road system, the council of the county shall perform all necessary work and the urban municipality shall pay to the county any proportion of the cost thereof for which it is liable under an agreement entered into under section 27 upon the report of the county road superintendent or the engineer to the suburban roads commission and the requisition of the county road committee or suburban roads commission and may raise its share of the cost of the work by the issuing of debentures without the assent of the electors.

Urban
extensions
or connect-
ing roads.

- 29.—(1) Where a street in any urban municipality not separated from the county is not a part of the county road system but is an extension of or connects roads included in the county road system, and where it is in the public interest that such street, including the bridges thereon, should be constructed or rebuilt, an agreement for the performance of the work shall be entered into between the corporation of the county and the corporation of the urban municipality upon such terms, subject to such conditions and in such form as the Minister may prescribe or approve.

Where
county and
municipality
unable to
agree.

- (2) Where the council of a county and the council of an urban municipality are unable to agree whether it is in the public interest that a street referred to in subsection 1, including the bridges thereon, should be constructed or rebuilt, the Minister may decide the issue and his decision shall be final.

Agreements.

- (3) Where the council of a county and the council of an urban municipality are unable to agree upon any term or condition or the form of any agreement required to be entered into under subsection 1, or where either council refuses to enter into such an agreement the Minister may prescribe the terms,

SECTION 11. Section 29 has been re-enacted as sections 28, 29 and 29a, so as to set forth provisions in a more orderly manner and to clarify the text. The provisions of the repealed section 28 have been re-enacted as section 16a. See section 3 of this Bill.

conditions or form thereof, or all of them, and such agreement may be enforced in the same manner as an agreement duly executed on behalf of both councils.

Extent of
liability
of county.

Proportion
to be part of
county
expenditure.

- (4) The agreement mentioned in subsection 1 shall provide that the cost of the work to the extent of twenty feet in width of the travelled portion of the roadway shall be paid by the county and the expenditure so made to the extent approved by the Minister shall form part of the expenditure of the county for the purpose of ascertaining the amount of aid which may be granted to the county under this Act.

Duty of
maintenance.

- (5) A street shall not by reason of its having been constructed pursuant to this section become the property of the county but shall, after its construction, be under the jurisdiction of, and shall be maintained and kept in repair by the urban municipality.

Extent of
liability of
urban municipality.

- (6) Where the roadway on a street referred to in subsection 1 exceeds twenty feet in width, all expenditure thereon rendered necessary by such excess width and by all other special work on the street shall be borne by the urban municipality, and the council of the urban municipality, with the approval of the Minister, may by by-law, provide for the issue of debentures to provide for the payment of such excess cost, and it shall not be necessary to obtain the assent of the electors to any such by-law nor to observe the other formalities in relation thereto prescribed by *The Municipal Act*, or the work may be undertaken as a local improvement under the provisions of *The Local Improvement Act*.

Rev. Stat.,
cc. 266;269.

Proportion
of levy
payable.

- 29a.—(1) An urban municipality situate within a county but not separated therefrom for municipal purposes, whether there is or is not any such county road, county road extension or connecting link in such urban municipality, shall be subject to the levying of an annual general rate for county road purposes under the by-law mentioned in section 12, but subject to subsections 2 and 3 the council of the county shall on or before the 31st day of December in each year remit in the case of a town, fifty per centum, and in the case of a village, seventy-five per centum of such levy for that year exclusive of any part thereof levied for the purpose of paying off the urban municipality's share of any debenture or other debt of the county.

Where re-
bate not to
be made.

Excess
expenditure
by county
not applic-
able.

When
amount
expended by
county less
than portion
payable.

Mainten-
ance, repair
and im-
provement.

Urban muni-
cipality to
submit pro-
gramme;

to submit
statement.

(2) Where in any year the county has expended on the construction, rebuilding or maintenance and repair of any county road, or on the construction or rebuilding of any county road extension or connecting link, within the urban municipality, an amount equal to or greater than the portion of the levy repayable, such portion shall be deemed to have been remitted under this section, but where the amount so expended by the county exceeds the portion of the levy repayable, such excess shall not be applied in payment of any amounts representing the portion of the levy repayable by the county to such urban municipality in future years.

(3) Where the amount so expended by the county is less than the portion of the levy repayable, the amount to be remitted by the county shall be the amount of such portion reduced by the amount so expended, but shall not in any year exceed the amount expended in that year by the urban municipality in accordance with the provisions of subsection 4.

(4) An urban municipality shall in each year expend out of its own funds such amounts as are necessary,—

(a) firstly, to maintain and keep in repair, under the supervision of the county road superintendent all county road extensions and connecting links therein, and

(b) secondly, to improve, maintain and keep in repair the other streets therein,

and in case of doubt or dispute as to the sufficiency of maintenance or repair of any county road extension or connecting link the decision of the Minister shall be final.

(5) The council of the urban municipality shall not later than the 15th day of June in each year submit to the county road superintendent a statement showing the programme of work which it proposes to carry out on street improvement and maintenance, and the estimated expenditure to be made thereon during that year, and not later than the 15th day of November in the same year, shall submit to him a detailed certified statement showing the location, nature and extent of the work done and the actual expenditure made thereon, and such statement may be subject to audit by the county or by the Department at any time.

Minister may permit rebate to apply on debentures.

- (6) Where the Minister is of the opinion that in any year it is unnecessary for the urban municipality to expend a sum equal to the whole or any part of the amount repayable by the county, on the improvement or maintenance of streets in the urban municipality he may direct that such sum may be applied in payment of the corporation's share of any outstanding debentures issued to provide for construction of streets or bridges therein, but every application for such a direction shall be made to the Minister by the urban municipality on or before the 15th day of June of such year and a copy thereof shall be sent concurrently by the urban municipality to the county road superintendent.

Rebate to be part of expenditure on system.

- (7) The amount repaid by the county under this section shall be deemed to form part of the expenditure in carrying out a plan of highway improvement in the county for the purpose of ascertaining the amount of aid which may be granted to the county under this Act.

Proviso as to application of sub-section 5.

- (8) The provisions of this section shall not apply to an urban municipality which is receiving under an agreement with the county council special grants for the purpose of road improvement in the urban municipality until the calendar year following that in which such agreement expires.

Rev. Stat., c. 56, s. 34, amended.

12. Section 34 of *The Highway Improvement Act* is amended by striking out the word "treasurer" in the third line and inserting in lieu thereof the word "clerk", and by striking out the word "or" in the fourth line and inserting in lieu thereof the word "and".

Rev. Stat., c. 56, s. 35, re-enacted.

13. Section 35 of *The Highway Improvement Act* is repealed and the following substituted therefor:

Arrangement with Indian Department for roads in reserves.

35. The Minister may arrange with the Department of Indian Affairs of the Government of Canada for the construction and improvement under the supervision of the Department of Highways and in accordance with the requirements of the Minister of a road in any township or any portion of a township constituting an Indian reserve where such road forms an extension of or connecting link in a county road system and for the payment, upon the certificate of the Minister, of fifty per centum of the cost of any work done under such arrangement, such payment to be chargeable to the Highway Improvement

SECTION 12. Textual errors are corrected.

SECTION 13. The expressions "enter into an agreement" and "regulations and specifications of the Department" are replaced by the more accurate terms "arrange" and "requirements of the Minister."

Fund in the same manner and subject to the like provisions as set out in section 18.

Rev. Stat.,
c. 56, s. 36,
re-enacted.

14. Section 36 of *The Highway Improvement Act* is repealed and the following substituted therefor:

Suburban
roads com-
mission,—
appointment
of;

36.—(1) The Lieutenant-Governor in Council, upon application of the council of any county having or adopting a county road system under this Act, may direct that a commission or commissions be appointed as in section 42 provided, in the case of each city or town situate within the county but separated therefrom for municipal purposes, and each commission may designate and define roads or portions of roads in the county road system as suburban roads and the city or town shall contribute towards the construction and maintenance of such roads or portions of roads in accordance with the provisions of this Part.

to designate
suburban
roads
system.

Deposit of
plan in
Department.

(2) A plan and description of the system of suburban roads designated by a commission shall be deposited by the commission with the Department within six months from the date of the Order-in-Council directing the appointment of such commission, and after the approval thereof by the Minister no alterations or amendments thereof shall be made by the commission until approved in like manner.

Rev. Stat.,
c. 56, s. 37,
subs. 1,
amended.

15.—(1) Subsection 1 of section 37 of *The Highway Improvement Act* is amended by striking out the word "estimated" in the last line and inserting in lieu thereof the word "determined".

Rev. Stat.,
c. 56, s. 37,
subs. 2,
amended.

(2) Subsection 2 of the said section 37 is amended by striking out the words "and regulations made under the said Act" in the fourth and fifth lines, by striking out the word "certificate" in the seventh line and inserting in lieu thereof the word "declaration" and by striking out the words "under the jurisdiction of the Minister" in the eighth and ninth lines, so that the said subsection shall now read as follows:

Engineer of
commission
may super-
vise work on
suburban
roads.

(2) The work on suburban roads may be carried on under the supervision of a qualified engineer employed for that purpose by the commission in place of the county road superintendent, and all the provisions of this Act shall apply to such engineer in the same manner as to a county road superintendent, and the declaration of such engineer with respect to work and expenditure upon suburban roads shall be accepted in lieu of the declaration of the county road superintendent as required by section 18.

SECTIONS 14 to 18 inclusive. Sections of Part III of the Act which deals with suburban roads have been recast so as to set forth the provisions in a more orderly and connected manner and to eliminate defects in the text. There is no change in the provisions themselves. Wherever the words "suburban area" appear, they have been altered to read "suburban roads" because it is not clear what is meant by "suburban area" which is nowhere defined in the Act.

Rev. Stat.,
c. 56, s. 38,
re-enacted.

16. Section 38 of *The Highway Improvement Act* is repealed and the following substituted therefor:

Commission
to direct
work on
suburban
roads.

38.—(1) Roads designated and approved as suburban roads shall from the time of such designation and approval, be constructed, maintained and repaired under the direction of the commission, and the expenditures thereon shall be borne by the county, the city or town and the Province in the proportion of twenty-five per centum by the county, twenty-five per centum by the city or town and fifty per centum by the Province.

Appropriation may be
by resolution
of county
council.

(2) An appropriation for the purposes mentioned in this section may be made annually by resolution of the council of the county, and may be made before the designation by the commission of the roads upon which the appropriation is to be expended.

Contribution
by city or
town,—limit
of;

(3) The amount to be provided by the city or town shall not exceed the proceeds of a rate of one-half mill on the dollar of the value of the rateable property of the city or town, according to the last revised assessment roll, unless in any year by agreement with the council of the county, the council of the city or town shall by by-law passed by a vote of at least two-thirds of the members present and voting thereon appropriate for work on suburban roads a sum not exceeding the proceeds of a rate of two mills on the dollar of the value of such rateable property but such by-law shall not be passed until the council of the county has appropriated an equal amount for the like purposes to be expended in the same year.

additional.

Rev. Stat.,
c. 56, s. 40,
subs. 3,
amended.

17. Subsection 3 of section 40 of *The Highway Improvement Act* is amended by striking out the figure "2" in the second line and inserting in lieu thereof the figure "3".

Rev. Stat.,
c. 56, s. 42,
subs. 1,
amended.

18.—(1) Subsection 1 of section 42 of *The Highway Improvement Act* is amended by striking out the words "county roads within the suburban area outside of any city or town" in the second and third lines and inserting in lieu thereof the words "suburban roads designated and approved as in section 36 provided", so that the said subsection shall now read as follows:

Commission.

(1) The laying out, construction, maintenance and repair of suburban roads designated and approved as in section 36 provided and the expenditure thereon shall be directed by a commission representing the

county and the city or town and appointed as herein-
after provided.

Rev. Stat.,
c. 56, s. 42,
subs. 4,
amended.

(2) Subsection 4 of the said section 42 is amended by striking out the words "upon receipt of notice from the clerk" in the second and third lines, so that the said subsection shall now read as follows:

Time for
making
appoint-
ments.

(4) The councils of the city, town and county shall make their appointments of members to the commission within thirty days after the passing of the Order-in-Council.

Rev. Stat.,
c. 56, s. 42,
subs. 8,
amended.

(3) Subsection 8 of the said section 42 is amended by striking out the word "for" in the first line and inserting in lieu thereof the word "of", so that the said subsection shall now read as follows:

Vacancies.

(8) Where a member of the commission dies, or resigns, or is removed, the body or authority by which such member was appointed shall appoint some other person to fill the vacancy for the remainder of the term for which such person so dying, resigning or removed was appointed.

Rev. Stat.,
c. 56, s. 42,
subs. 10,
repealed.

(4) Subsection 10 of the said section 42 is repealed.

Rev. Stat.,
c. 56, s. 43,
amended.

19. Section 43 of *The Highway Improvement Act* is amended by inserting the words "or a member of the Legislative Assembly" after the word "council" in the fourth line, so that the said section shall now read as follows:

Who in-
eligible
to act as
member of
commission.

Rev. Stat.,
c. 266.

43. Notwithstanding anything contained in *The Municipal Act*, or in any other general or special Act of this Legislature, or in any municipal by-law, a person who is a member or an official of a municipal council or a member of the Legislative Assembly shall not be a member of any commission appointed under section 42.

Rev. Stat.,
c. 56, s. 44,
amended.

20. Section 44 of *The Highway Improvement Act* is amended by striking out the word "area" in the second line and inserting in lieu thereof the words "road system".

Rev. Stat.,
c. 56, s. 45,
subs. 1,
amended.

21.—(1) Subsection 1 of section 45 of *The Highway Improvement Act* is amended by inserting after the word "centum" in the seventh line the words "or such greater proportion as he may deem requisite", so that the said subsection shall now read as follows:

SECTION 21—Subsection 1. This amendment is necessary to make the subsidy payable on a township road superintendent's salary conform with increased subsidies paid on road work to certain townships under the provisions of section 47 of *The Highway Improvement Act*.

Township
road
superintend-
ent, appoint-
ment and
salary.

- (1) The council of any township municipality in which statute labour has been abolished by by-law shall, by by-law, appoint a township road superintendent who, subject to the direction of the council, shall lay out and supervise all work and inspect all roads within the exclusive jurisdiction of the township council, and the Minister may direct that out of the Fund fifty per centum, or such greater proportion as he may deem requisite, of the salary and expenses of such superintendent paid by the township shall be reimbursed by the Province.

Rev. Stat.,
c. 56, s. 45,
subs. 3,
amended.

- (2) Subsection 3 of the said section 45 is amended by striking out the words "general regulations as the Department" in the second line and inserting in lieu thereof the words "requirements as the Minister", so that the said subsection shall now read as follows:

Superintend-
ent to con-
form to
requirements
of Minister.

- (3) The superintendent appointed under this section shall conform to such requirements as the Minister may prescribe.

Rev. Stat.,
c. 56, s. 45,
subs. 5,
amended.

- (3) Subsection 5 of the said section 45 is amended by striking out the words "any local municipality in the county" in the first and second lines and inserting in lieu thereof the words "the township", so that the said subsection shall now read as follows:

Councillors
disqualified
as township
road super-
intendent.

- (5) A member of the council of the township shall not be appointed or act as road superintendent or be employed by the township road superintendent in any capacity, and any such member who is appointed or who acts or is employed in contravention of this section shall forfeit his seat and be disqualified from sitting in the council of which he was a member at the time of his appointment or employment.

Rev. Stat.,
c. 56, s. 46,
subs. 1,
amended.

- 22.**—(1) Subsection 1 of section 46 of *The Highway Improvement Act* is amended by striking out the words "and in which money is not being expended under *The Colonization Roads Act*" in the second and third lines so that the said subsection exclusive of the clauses thereof, shall now read as follows:

Grants in
aid of town-
ship road
work.

- (1) The council of a township which has abolished statute labour may submit to the Department for approval such plans, specifications or by-laws as the Department may require for any or all of the following purposes of road construction, improvement or repair, namely,—
-

Subsection 2. The expression "general regulations as the Department may prescribe" is replaced by the more accurate term "requirements as the Minister may prescribe."

Subsection 3. This amendment is necessary to make the provisions of the subsection applicable to townships not included in a county.

SECTION 22—Subsection 1. Since the Department of Highways took over the administration of all roads in the Province, the Colonization Roads Act has become inoperative and the words deleted are no longer required.

Rev. Stat.,
c. 56, s. 46,
subs. 2,
amended.

(2) Subsection 2 of the said section 46 is amended by striking out the article and word "a township" in the first line and inserting in lieu thereof the article and word "the township".

Rev. Stat.,
c. 56, ss. 47,
48, 49,
re-enacted.

23. Sections 47, 48 and 49 of *The Highway Improvement Act* are repealed and the following substituted therefor:

Township
road
subsidy.

47.—(1) When approved by the Department the work or expenditure of any class mentioned in section 46 shall be carried out in accordance with the requirements of the Minister with regard thereto, and upon the completion of any such work or expenditure the council of the township may submit to the Minister an application in accordance with the provisions of section 48, for the provincial subsidy authorized by this Part.

Cost of ferry
service may
be included.

(2) Where the township is an island, expenditure for which the corporation of the township may be entitled to aid under this Part, may include the whole or such proportion as the Minister may direct, of the cost of establishing and maintaining a ferry service between the island and the mainland by the corporation, its lessee or licensee.

Roads in
Indian
Reserves,—
arrange-
ments with
Dominion.

(3) The Minister may arrange with the Department of Indian Affairs of the Government of Canada that the Indian Agent for an Indian Reserve may act as road superintendent to supervise the construction, improvement and maintenance in accordance with the requirements of the Minister, of the roads in any township or portion of a township constituting the Indian Reserve and where such arrangement has been made, the Department of Indian Affairs may make application in accordance with the provisions of section 48 for the provincial subsidy authorized by this Part, and the provisions of this Part shall apply *mutatis mutandis*.

Particulars
to be
furnished.

48.—(1) The council of the township shall annually and may with the consent of the Minister at any time during the progress of the work of construction, improvement or repair of township roads submit to the Minister,—

- (a) a detailed statement of receipts and expenditures in the form prescribed by the Minister;
- (b) a declaration of the township road superintendent that the statement of receipts and

Subsection 2. A typographical error is corrected.

SECTION 23. Sections 47, 48 and 49 are rewritten so as to simplify the text, set forth the provisions in a more orderly and connected manner, make them conform with established practice, and ratify the payment to townships of a general subsidy of fifty per cent of road expenditure.

expenditures is correct and that the work has been done in accordance with requirements of the Minister and with the approval of the proper officer of the Department;

- (c) a declaration of the township treasurer that the statement of receipts and expenditures is correct and that it contains no item of expenditure whether for labour or materials which was not paid to the persons performing the work or supplying the materials in actual cash or by cheque of the corporation of the township; and
- (d) a petition for the payment of the grant, authorized by resolution of the council.

Amount of provincial subsidy.

- (2) Upon the receipt of such statement, declarations and petition and the approval thereof by the proper officer of the Department, the Minister may direct payment to the township treasurer out of the Fund of an amount equal to fifty per centum of the amount of the expenditure which is properly chargeable to road improvement and in all cases of doubt or dispute the decision of the Minister shall be final.

Additional subsidy.

- 49. Where the Minister deems it necessary in order to secure the development of an adequate plan of road construction, he may direct that there be paid, to the township such amount in addition to that paid under section 48 as he may deem requisite, but the total aid so granted in any one year shall not exceed eighty per centum of the amount of the township's funds expended on highway improvement in accordance with the requirements of the Minister.

Rev. Stat., c. 56, s. 50, re-enacted.

- 24. Section 50 of *The Highway Improvement Act* is repealed and the following substituted therefor:

Aid to be granted.

- 50. Expenditure in respect of which aid may be granted under section 48 shall not include,—
 - (a) any amount levied in the township for county road purposes; or
 - (b) any other road expenditure towards which a special contribution has been paid or may be payable from any source except with the consent of the Minister.

Rev. Stat., c. 56, s. 51, repealed.

- 25. Section 51 of *The Highway Improvement Act* is repealed.

Rev. Stat., c. 56, amended.

- 26. *The Highway Improvement Act* is amended by adding thereto the following Part:

SECTION 24. Section 50 is rewritten so as to clarify the text. The expression "where a contrary provision is contained in any agreement entered into between the township and the Province" is changed to read more accurately "with the consent of the Minister."

SECTION 25. The provision repealed is re-enacted as section 91 under Part VI. See section 31 of this Bill.

SECTION 26. This section adds a new Part to the Act which provides for the granting of aid in respect of roads in those parts of Ontario where there is no municipal organization.

PART IVA.

ROADS IN TERRITORY WITHOUT MUNICIPAL ORGANIZATION.

Roads where
no municipal
organization.

Rev. Stat.,
c. 274.

52b.—(1) In any part of Ontario where there is no municipal organization the Minister may arrange with the road commissioners elected under *The Statute Labour Act* or with any person who is the owner of land therein or of any equity or rights in or relating to any such land, for the construction, improvement, maintenance or repair of any road situate therein that may be designated by the Minister, and the Minister may direct payment out of the Fund of an amount equal to such proportion of the cost of the work as he may deem requisite.

Where incor-
poration
desirable.

Rev. Stat.,
c. 266.

(2) Where the Minister deems it desirable that the inhabitants of any part of Ontario should become incorporated under *The Municipal Act*, the amount which shall be paid out of the Fund under this section in respect of a road in that part of Ontario shall not exceed fifty per centum of the value of the labour employed on the work.

Interpreta-
tion,—

"cost of
the work";

(3) In this section,—

(a) "cost of the work" shall include the actual amount paid for materials and rental of machinery and the value of labour employed on the work; and

"value of
labour em-
ployed on
the work".

(b) "value of labour employed on the work" shall be computed on the basis of the actual time worked applied to the rates of wages prevailing in the locality in which the work is performed.

Rev. Stat.,
c. 56, s. 59,
subs. 2,
amended.

27. Subsection 2 of section 59 of *The Highway Improvement Act* is amended by inserting after the word "or" in the eleventh line the words "be transferred to the municipality", so that the said subsection shall now read as follows:

Highway
may be
disposed of,
or revert or
be trans-
ferred to
municipality.

(2) The Lieutenant-Governor in Council upon the recommendation of the Minister may direct that any highway or portion or section thereof for which an alternative route has been substituted, or which is no longer required by the Department for the purpose of the King's Highway, or which from any cause should not remain under the jurisdiction of the Minister, may be closed to traffic or may be sold, leased or disposed of by the Minister, or may direct that any such highway, or portion or section of a highway, shall revert to the municipality previously liable for the maintenance and repair of the

SECTION 27. This amendment is necessary to provide for cases where the King's Highway has not previously been under the jurisdiction of the municipality in which it is situate.



highway, or be transferred to the municipality within which the same is situate, and such municipal corporation shall thereupon be in possession and control of the said highway from and after a date to be named by the Lieutenant-Governor in Council.

Rev. Stat.,
c. 56, s. 66,
subs. 4,
amended.

28. Subsection 4 of section 66 of *The Highway Improvement Act* is amended by striking out the words "an urban municipality not separated from the county" in the third line and inserting in lieu thereof the words "a town not being a separated town or of a village", so that the said subsection shall now read as follows:

Agreement
for work on
connecting
roads for
highway.

- (4) Where it is deemed by the Minister desirable and expedient an agreement may be entered into with the corporation of a town not being a separated town or of a village for the construction, improvement, maintenance and repair therein by the municipality or by the Department of any highway which is a connecting link or extension of the King's Highway.

Rev. Stat.,
c. 56, s. 76,
subs. 1,
amended.

29. Subsection 1 of section 76 of *The Highway Improvement Act* is amended by striking out the word "Department" where it occurs in the fourth line and inserting in lieu thereof the word "Minister".

Rev. Stat.,
c. 56, s. 79b,
(1939, c. 19,
s. 8) re-
enacted.

30. Section 79b of *The Highway Improvement Act* as enacted by section 8 of *The Highway Improvement Amendment Act, 1939*, is repealed and the following substituted therefor:

"Develop-
ment
Road, —
designation
of.

79b. The Lieutenant-Governor in Council, upon the recommendation of the Minister may designate as a "Development Road" any road or proposed road which he may deem it expedient to improve or construct in order to promote or maintain settlement or development in any part of Ontario, provided that a road or proposed road situate in a municipality forming part of a county shall not be so designated unless the by-law passed by the council of the county for the levying of a general annual rate for county road purposes exempts the municipality from the levying of such rate in accordance with the provisions of section 12.

Rev. Stat.,
c. 56, s. 85,
subs. 3,
amended.

31.—(1) Subsection 3 of section 85 of *The Highway Improvement Act* is amended by striking out the word "regulations" in the fourth line and by striking out the word "walk" in the seventh line and inserting in lieu thereof the words "sidewalk, improvements or service", so that the said subsection shall now read as follows:

SECTION 28. This amendment is necessary to make the provisions of the subsection applicable to towns and villages in judicial districts as well as counties.

SECTION 29. The word "Department" is replaced by the more accurate term "Minister".

SECTION 30. Section 79b has been rewritten so as to permit the designation of development roads in organized as well as in unorganized municipalities in order to preserve continuity of control by the Department, and also to permit designation of development roads in municipalities in counties but which are remote from the county road system in those counties.

SECTION 31—Subsection 1. This amendment is necessary in order to define the responsibility of the local municipality with respect to improvements and services, as well as to sidewalks.

Local municipality to conform to requirements and be responsible for damages.

- (3) A local municipality when constructing a sidewalk or other improvements or service on a road or highway under the provisions of this section shall conform to any requirements or conditions imposed by the authority responsible for or having control of the said road or highway, and shall be responsible for any injury or damage arising from the construction or presence of such sidewalk, improvements or service on the road or highway.

Rev. Stat., c. 56, s. 85, subs. 4, re-enacted.

- (2) Subsection 4 of the said section 85 is repealed and the following substituted therefor:

Construction of sidewalk or footpath.

- (4) The council of a township may apply to the Department for authority to construct a sidewalk or footpath on the King's Highway or a county road and the Department may grant such authority, and upon completion of the work may approve thereof at its discretion, and upon such approval being given the council may make application in the form prescribed by the Minister for, and the Minister may authorize the payment to the township out of the Fund of an amount not exceeding fifty per centum of the cost of the work.

Rev. Stat., c. 56, amended.

- 32.** *The Highway Improvement Act* is amended by adding thereto the following section:

Vouchers.

91. Wherever a subsidy is applied for by the council of any county, township or other road authority under any provision of this Act, vouchers covering all expenditures, in respect of which such subsidy is applied for, shall be furnished to the Department in a form satisfactory to the Minister.

Short title.

- 33.** This Act may be cited as *The Highway Improvement Amendment Act, 1944*.

Subsection 2. Subsection 4 has been rewritten so as to provide for an application to be made by the council of the township for subsidy on a sidewalk on the King's Highway or a county road. The subsidy payable is made to conform with a general rate of fifty per centum paid to townships on road expenditures.

SECTION 32. The new section 91 is the present section 51 with minor revisions.

An Act to amend The Highway
Improvement Act.

1st Reading

February 24th, 1944

2nd Reading

February 28th, 1944

3rd Reading

MR. DOUCETT

(Reprinted as amended in Committee of the
Whole House.)

No. 27

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Highway Improvement Act.

MR. DOUCETT

BILL

An Act to amend The Highway Improvement Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 56, s. 1,
cl. a, re-
enacted.

1.—(1) Clause *a* of section 1 of *The Highway Improvement Act* is repealed and the following substituted therefor:

“Bridge”.

(a) “Bridge” shall mean a public bridge, and shall include a bridge forming part of a highway or on, over, under or across which a highway passes.

Rev. Stat.,
c. 56, s. 1,
cl. e, re-
enacted.

(2) Clause *e* of the said section 1 is repealed and the following substituted therefor:

“Highway”;
“road”.

(e) “Highway” and “road” shall mean a common or public highway and shall include a street or bridge forming part of a highway, or on, over, under or across which a highway passes, or any other structure incidental thereto.

Rev. Stat.,
c. 56, s. 1,
cl. h, re-
enacted.

(3) Clause *h* of the said section 1 is repealed and the following substituted therefor:

“Roadway”.

(h) “Roadway” shall mean that part of the highway designed or intended for use by vehicular traffic.

Rev. Stat.,
c. 56,
s. 12, subs. 1,
amended.

2.—(1) Subsection 1 of section 12 of *The Highway Improvement Act* is amended by striking out the word “or” where it occurs the second time in the eighth line and inserting in lieu thereof the word “and”.

Rev. Stat.,
c. 56, s. 12,
subs. 5,
re-enacted.

(2) Subsection 5 of the said section 12 is repealed and the following substituted therefor:

County road
superintend-
ent.

(5) The administration and management of the county road system shall be vested in an officer to be appointed by by-law of the county council to be known as the county road superintendent, who shall

be an engineer approved by the Minister, and the county road superintendent shall act under the direction of the county road committee.

- (5a) Every county road superintendent hereafter appointed shall be a professional engineer registered as a civil engineer under *The Professional Engineers Act*. Qualifications.
Rev. Stat., c. 237.
- (5b) Where a vacancy occurs in the position of county road superintendent the county council shall advertise for applicants stating the salary and allowances which shall be paid and such salary and allowances shall be set by the county council and approved by the Minister. Salary to be fixed by county council.
- (5c) A copy of the by-law appointing the county road superintendent shall be transmitted to the Department within thirty days of the passing thereof and such appointment shall be subject to the approval of the Minister, and when so approved shall not be repealed or amended without the consent in writing of the Minister. Copy of by-law to be sent to Department.
- (5d) No member of the council of the county and no member of the council of any local municipality in the county shall be appointed as county road superintendent, or be employed by the county road superintendent in any capacity, and any such member who is appointed, or who acts or is employed in contravention of this section shall forfeit his seat and be disqualified from sitting or voting in the council of which he was a member at the time of his appointment or employment. Members of councils not to be appointed.

- (3) Subsection 8 of the said section 12 is repealed.

Rev. Stat., c. 56, s. 12, subs. 8, repealed.

3. The Highway Improvement Act is amended by adding thereto the following section:

Rev. Stat., c. 56, amended.

- 16a. Where the Minister is of the opinion that any highway or section of a highway assumed by a county council under this Act, has ceased to be, or for some other reason is not of sufficient importance to be constructed and maintained as a county road, such highway or section thereof may be struck off the approved plan of county roads by the Lieutenant-Governor in Council, and such highway or section thereof shall thereupon revert or be transferred to the corporation of the local municipality in which it is situate. Where improved highway ceases to be important.

Rev. Stat.,
c. 56, s. 17,
subs. 1,
amended.

4. Subsection 1 of section 17 of *The Highway Improvement Act* is amended by striking out the word "area" in the sixth line and inserting in lieu thereof the word "roads".

Rev. Stat.,
c. 56, s. 18,
re-enacted.

5. Section 18 of *The Highway Improvement Act* is repealed and the following substituted therefor:

Annual
statement
to Minister.

18.—(1) Where a plan of highway improvement approved by the Lieutenant-Governor in Council under this Act is being carried out the county council shall annually and may with the consent of the Minister at any time during the progress of the work submit to the Minister,—

(a) a detailed statement of receipts and expenditures in the form prescribed by the Minister;

(b) a declaration of the county road superintendent that the statement of receipts and expenditures is correct and that the work has been done in accordance with the requirements of the Minister and with the approval of the proper officer of the Department;

(c) a declaration of the treasurer of the county that the statement of receipts and expenditures is correct; and

(d) a petition for the payment of the grant, authorized by resolution of the council.

Payment to
county.

(2) Upon receipt of such statement, declarations and petition and the approval thereof by the proper officer of the Department, the Minister may direct payment to the county treasurer out of the Fund of an amount equal to fifty per centum, or in the case of a bridge or culvert an amount not exceeding seventy-five per centum, of the amount of the expenditure which is properly chargeable to road improvement and in all cases of doubt or dispute the decision of the Minister shall be final.

Rev. Stat.,
c. 56, s. 19,
re-enacted.

6. Section 19 of *The Highway Improvement Act* is repealed and the following substituted therefor:

Certain
expenditures
not included
in statement.

19. No expenditure towards which a special contribution has been or may be made from any source shall be included in a statement submitted under section 18 except with the consent of the Minister.

Rev. Stat.,
c. 56, s. 21,
amended.

7. Section 21 of *The Highway Improvement Act* is amended by striking out the words "regulations of the Department" in the third and fourth lines and inserting in lieu thereof the

words "requirements of the Minister" so that the said section shall now read as follows:

21. Every highway constructed or repaired as part of a county road system under the provisions of this Act shall be so constructed and repaired in accordance with the requirements of the Minister. County road system,— construction and repair.

8. Section 22 of *The Highway Improvement Act* is amended by striking out the words "regulations and approval of the Department" in the eighth and ninth lines and inserting in lieu thereof the words "approval of the Minister", so that the said section shall now read as follows: Rev. Stat., c. 56, s. 22, amended.

22. Expenditure for which the corporation of any county may be entitled to aid to county roads under this Act, may include the maintenance by the county of a ferry service which forms a connecting link of a county road system, or forms a link between county road systems of adjacent counties, and may also include the cost of purchasing, establishing and equipping such ferry service, but when so aided, the equipment, service, and tolls therefor, shall be subject to the approval of the Minister. County expenditure may include ferry service.

9. Section 23 of *The Highway Improvement Act* is repealed and the following substituted therefor: Rev. Stat., c. 56, s. 23, re-enacted.

- 23.—(1) Where under or pursuant to the provisions of *The Municipal Act* the council of a county has jurisdiction over any bridge which is over twenty feet in span and is not included in the county road system, the expenditure involved in the replacing, maintaining or improving of such bridge under the supervision of the county road superintendent in accordance with plans approved by the Department shall be deemed to form part of the expenditure in carrying out the plan of highway improvement within the county, and debentures issued by the corporation of any county, since the 8th day of April, 1926, for the purpose of constructing, replacing or improving any such bridge shall be legal, valid and binding upon the corporation of the county and the ratepayers thereof notwithstanding that the by-law authorizing the issue thereof has not been submitted to and did not receive the assent of the ratepayers in accordance with the provisions of *The Municipal Act*. County expenditure may include county bridges. Rev. Stat., c. 266.

- (2) The Minister may direct the payment to the corporation out of the Fund of an amount not exceeding Aid to county bridges.

seventy-five per centum of the cost of constructing, maintaining, replacing or improving any such bridge over twenty feet in span in accordance with plans approved by an officer of the Department designated by the Minister.

By-law to transfer jurisdiction over small bridges to local municipality.

- (3) The council of a county may by by-law declare that jurisdiction over all bridges of twenty feet or less in span which are not included in the county road system shall be transferred to the local municipalities in which they are situate, and thereupon all the property rights, liabilities and obligations of the county with respect to such bridges shall be transferred to and shall be vested in and imposed upon such local municipalities.

Diverting road to avoid construction of bridge.

- (4) The council of a county where it deems it expedient and with the approval of the Lieutenant-Governor in Council may by by-law provide for the closing of any bridge over which the county has jurisdiction under or pursuant to the provisions of *The Municipal Act*, or the substitution therefor of any other structure and for that purpose shall possess and may exercise as to such bridge or other structure and the approaches thereto all the powers of the council of a county as to highways and bridges included in a county road system.

Rev. Stat., c. 56, s. 27, subs. 1, re-enacted.

10. Subsection 1 of section 27 of *The Highway Improvement Act* is repealed and the following substituted therefor:

Agreement between local municipality and county for extra construction work.

- (1) Subject to the approval of the Minister the council of a township, town or incorporated village may enter into an agreement with the council of the county or with the suburban roads commission providing for the widening of the right-of-way, or for the construction of a wider pavement or other special construction and for the maintenance and repair thereof upon a county or suburban road in such township, town or incorporated village, and the agreement may provide that in the case of construction the cost of the work over and above the amount paid by the county under the provisions of this Act and amendments thereto shall be assessed under and according to the provisions of *The Local Improvement Act* against the owners to be specially benefited and against the township, town or incorporated village respectively according to the report of an engineer.

- (1a) Where the council of a town or incorporated village and the council of a county or a suburban roads commission are unable to agree upon any term or condition of an agreement authorized under this section, or where either council or the commission refuses to enter into such an agreement, the Minister may prescribe such term or condition or may require such an agreement to be entered into. Where councils fail to agree.

11. Sections 28 and 29 of *The Highway Improvement Act* are repealed and the following substituted therefor: Rev. Stat., c. 56, ss. 28, 29, re-enacted.

28. Where any street in an urban municipality is part of the county road system, the council of the county shall perform all necessary work and the urban municipality shall pay to the county any proportion of the cost thereof for which it is liable under an agreement entered into under section 27 upon the report of the county road superintendent or the engineer to the suburban roads commission and the requisition of the county road committee or suburban roads commission and may raise its share of the cost of the work by the issuing of debentures without the assent of the electors. Where urban street forms part of county system.
- 29.—(1) Where a street in any urban municipality not separated from the county is not a part of the county road system but is an extension of or connects roads included in the county road system, and where it is in the public interest that such street, including the bridges thereon, should be constructed or rebuilt, an agreement for the performance of the work shall be entered into between the corporation of the county and the corporation of the urban municipality upon such terms, subject to such conditions and in such form as the Minister may prescribe or approve. Urban extensions or connecting roads.
- (2) Where the council of a county and the council of an urban municipality are unable to agree whether it is in the public interest that a street referred to in subsection 1, including the bridges thereon, should be constructed or rebuilt, the Minister may decide the issue and his decision shall be final. Where county and municipality unable to agree.
- (3) Where the council of a county and the council of an urban municipality are unable to agree upon any term or condition or the form of any agreement required to be entered into under subsection 1, or where either council refuses to enter into such an agreement the Minister may prescribe the terms, Agreements.

conditions or form thereof, or all of them, and such agreement may be enforced in the same manner as an agreement duly executed on behalf of both councils.

Extent of
liability
of county.

Proportion
to be part of
county
expenditure.

- (4) The agreement mentioned in subsection 1 shall provide that the cost of the work to the extent of twenty feet in width of the travelled portion of the roadway shall be paid by the county and the expenditure so made to the extent approved by the Minister shall form part of the expenditure of the county for the purpose of ascertaining the amount of aid which may be granted to the county under this Act.

Duty of
maintenance.

- (5) A street shall not by reason of its having been constructed pursuant to this section become the property of the county but shall, after its construction, be under the jurisdiction of, and shall be maintained and kept in repair by the urban municipality.

Extent of
liability of
urban muni-
cipality.

- (6) Where the roadway on a street referred to in subsection 1 exceeds twenty feet in width, all expenditure thereon rendered necessary by such excess width and by all other special work on the street shall be borne by the urban municipality, and the council of the urban municipality, with the approval of the Minister, may by by-law, provide for the issue of debentures to provide for the payment of such excess cost, and it shall not be necessary to obtain the assent of the electors to any such by-law nor to observe the other formalities in relation thereto prescribed by *The Municipal Act*, or the work may be undertaken as a local improvement under the provisions of *The Local Improvement Act*.

Rev. Stat.,
cc. 266;269.

Proportion
of levy
payable.

- 29a.—(1) An urban municipality situate within a county but not separated therefrom for municipal purposes, whether there is or is not any such county road, county road extension or connecting link in such urban municipality, shall be subject to the levying of an annual general rate for county road purposes under the by-law mentioned in section 12, but subject to subsections 2 and 3 the council of the county shall on or before the 31st day of December in each year remit in the case of a town, fifty per centum, and in the case of a village, seventy-five per centum of such levy for that year exclusive of any part thereof levied for the purpose of paying off the urban municipality's share of any debenture or other debt of the county.

- (2) Where in any year the county has expended on the construction, rebuilding or maintenance and repair of any county road, or on the construction or rebuilding of any county road extension or connecting link, within the urban municipality, an amount equal to or greater than the portion of the levy repayable, such portion shall be deemed to have been remitted under this section, but where the amount so expended by the county exceeds the portion of the levy repayable, such excess shall not be applied in payment of any amounts representing the portion of the levy repayable by the county to such urban municipality in future years. Where rebate not to be made.
Excess expenditure by county not applicable.
- (3) Where the amount so expended by the county is less than the portion of the levy repayable, the amount to be remitted by the county shall be the amount of such portion reduced by the amount so expended, but shall not in any year exceed the amount expended in that year by the urban municipality in accordance with the provisions of subsection 4. When amount expended by county less than portion payable.
- (4) An urban municipality shall in each year expend out of its own funds such amounts as are necessary,— Maintenance, repair and improvement.
- (a) firstly, to maintain and keep in repair, under the supervision of the county road superintendent all county road extensions and connecting links therein, and
- (b) secondly, to improve, maintain and keep in repair the other streets therein,
- and in case of doubt or dispute as to the sufficiency of maintenance or repair of any county road extension or connecting link the decision of the Minister shall be final.
- (5) The council of the urban municipality shall not later than the 15th day of June in each year submit to the county road superintendent a statement showing the programme of work which it proposes to carry out on street improvement and maintenance, and the estimated expenditure to be made thereon during that year, and not later than the 15th day of November in the same year, shall submit to him a detailed certified statement showing the location, nature and extent of the work done and the actual expenditure made thereon, and such statement may be subject to audit by the county or by the Department at any time. Urban municipality to submit programme;
to submit statement.

Minister
may permit
rebate to
apply on
debentures.

- (6) Where the Minister is of the opinion that in any year it is unnecessary for the urban municipality to expend a sum equal to the whole or any part of the amount repayable by the county, on the improvement or maintenance of streets in the urban municipality he may direct that such sum may be applied in payment of the corporation's share of any outstanding debentures issued to provide for construction of streets or bridges therein, but every application for such a direction shall be made to the Minister by the urban municipality on or before the 15th day of June of such year and a copy thereof shall be sent concurrently by the urban municipality to the county road superintendent.

Rebate to
be part of
expenditure
on system.

- (7) The amount repaid by the county under this section shall be deemed to form part of the expenditure in carrying out a plan of highway improvement in the county for the purpose of ascertaining the amount of aid which may be granted to the county under this Act.

Proviso as to
application
of sub-
section 5.

- (8) The provisions of this section shall not apply to an urban municipality which is receiving under an agreement with the county council special grants for the purpose of road improvement in the urban municipality until the calendar year following that in which such agreement expires.

Rev. Stat.,
c. 56, s. 34,
amended.

- 12.** Section 34 of *The Highway Improvement Act* is amended by striking out the word "treasurer" in the third line and inserting in lieu thereof the word "clerk", and by striking out the word "or" in the fourth line and inserting in lieu thereof the word "and".

Rev. Stat.,
c. 56, s. 35,
re-enacted.

- 13.** Section 35 of *The Highway Improvement Act* is repealed and the following substituted therefor:

Arrangement
with Indian
Department
for roads in
reserves.

35. The Minister may arrange with the Department of Indian Affairs of the Government of Canada for the construction and improvement under the supervision of the Department of Highways and in accordance with the requirements of the Minister of a road in any township or any portion of a township constituting an Indian reserve where such road forms an extension of or connecting link in a county road system and for the payment, upon the certificate of the Minister, of fifty per centum of the cost of any work done under such arrangement, such payment to be chargeable to the Highway Improvement

Fund in the same manner and subject to the like provisions as set out in section 18.

14. Section 36 of *The Highway Improvement Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 56, s. 36,
re-enacted.

36.—(1) The Lieutenant-Governor in Council, upon application of the council of any county having or adopting a county road system under this Act, may of; Suburban
roads com-
mission,—
appointment
direct that a commission or commissions be appointed as in section 42 provided, in the case of each city or town situate within the county but separated therefrom for municipal purposes, and each commission may designate and define roads or portions of roads in the county road system as suburban roads and the city or town shall contribute towards the construction and maintenance of such roads or portions of roads in accordance with the provisions of this Part. to designate
suburban
roads
system.

(2) A plan and description of the system of suburban roads designated by a commission shall be deposited by the commission with the Department within six months from the date of the Order-in-Council directing the appointment of such commission, and after the approval thereof by the Minister no alterations or amendments thereof shall be made by the commission until approved in like manner. Deposit of
plan in
Department.

15.—(1) Subsection 1 of section 37 of *The Highway Improvement Act* is amended by striking out the word "estimated" in the last line and inserting in lieu thereof the word "determined". Rev. Stat.,
c. 56, s. 37,
subs. 1,
amended.

(2) Subsection 2 of the said section 37 is amended by striking out the words "and regulations made under the said Act" in the fourth and fifth lines, by striking out the word "certificate" in the seventh line and inserting in lieu thereof the word "declaration" and by striking out the words "under the jurisdiction of the Minister" in the eighth and ninth lines, so that the said subsection shall now read as follows: Rev. Stat.,
c. 56, s. 37,
subs. 2,
amended.

(2) The work on suburban roads may be carried on under the supervision of a qualified engineer employed for that purpose by the commission in place of the county road superintendent, and all the provisions of this Act shall apply to such engineer in the same manner as to a county road superintendent, and the declaration of such engineer with respect to work and expenditure upon suburban roads shall be accepted in lieu of the declaration of the county road superintendent as required by section 18. Engineer of
commission
may super-
vise work on
suburban
roads.

Rev. Stat.,
c. 56, s. 38,
re-enacted.

16. Section 38 of *The Highway Improvement Act* is repealed and the following substituted therefor:

Commission
to direct
work on
suburban
roads.

38.—(1) Roads designated and approved as suburban roads shall from the time of such designation and approval, be constructed, maintained and repaired under the direction of the commission, and the expenditures thereon shall be borne by the county, the city or town and the Province in the proportion of twenty-five per centum by the county, twenty-five per centum by the city or town and fifty per centum by the Province.

Appropriation may be
by resolution
of county
council.

(2) An appropriation for the purposes mentioned in this section may be made annually by resolution of the council of the county, and may be made before the designation by the commission of the roads upon which the appropriation is to be expended.

Contribution
by city or
town,—limit
of;

(3) The amount to be provided by the city or town shall not exceed the proceeds of a rate of one-half mill on the dollar of the value of the rateable property of the city or town, according to the last revised assessment roll, unless in any year by agreement with the council of the county, the council of the city or town shall by by-law passed by a vote of at least two-thirds of the members present and voting thereon appropriate for work on suburban roads a sum not exceeding the proceeds of a rate of two mills on the dollar of the value of such rateable property but such by-law shall not be passed until the council of the county has appropriated an equal amount for the like purposes to be expended in the same year.

additional.

Rev. Stat.,
c. 56, s. 40,
subs. 3,
amended.

17. Subsection 3 of section 40 of *The Highway Improvement Act* is amended by striking out the figure "2" in the second line and inserting in lieu thereof the figure "3".

Rev. Stat.,
c. 56, s. 42,
subs. 1,
amended.

18.—(1) Subsection 1 of section 42 of *The Highway Improvement Act* is amended by striking out the words "county roads within the suburban area outside of any city or town" in the second and third lines and inserting in lieu thereof the words "suburban roads designated and approved as in section 36 provided", so that the said subsection shall now read as follows:

Commission.

(1) The laying out, construction, maintenance and repair of suburban roads designated and approved as in section 36 provided and the expenditure thereon shall be directed by a commission representing the

county and the city or town and appointed as herein after provided.

(2) Subsection 4 of the said section 42 is amended by striking out the words "upon receipt of notice from the clerk" in the second and third lines, so that the said subsection shall now read as follows: Rev. Stat.,
c. 56, s. 42,
subs. 4,
amended.

(4) The councils of the city, town and county shall make their appointments of members to the commission within thirty days after the passing of the Order-in-Council. Time for
making
appoint-
ments.

(3) Subsection 8 of the said section 42 is amended by striking out the word "for" in the first line and inserting in lieu thereof the word "of", so that the said subsection shall now read as follows: Rev. Stat.,
c. 56, s. 42,
subs. 8,
amended.

(8) Where a member of the commission dies, or resigns, or is removed, the body or authority by which such member was appointed shall appoint some other person to fill the vacancy for the remainder of the term for which such person so dying, resigning or removed was appointed. Vacancies.

(4) Subsection 10 of the said section 42 is repealed. Rev. Stat.,
c. 56, s. 42,
subs. 10,
repealed.

19. Section 43 of *The Highway Improvement Act* is amended by inserting the words "or a member of the Legislative Assembly" after the word "council" in the fourth line, so that the said section shall now read as follows: Rev. Stat.,
c. 56, s. 43,
amended.

43. Notwithstanding anything contained in *The Municipal Act*, or in any other general or special Act of this Legislature, or in any municipal by-law, a person who is a member or an official of a municipal council or a member of the Legislative Assembly shall not be a member of any commission appointed under section 42. Who in-
eligible
to act as
member of
commission.
Rev. Stat.,
c. 266.

20. Section 44 of *The Highway Improvement Act* is amended by striking out the word "area" in the second line and inserting in lieu thereof the words "road system". Rev. Stat.,
c. 56, s. 44,
amended.

21.—(1) Subsection 1 of section 45 of *The Highway Improvement Act* is amended by inserting after the word "centum" in the seventh line the words "or such greater proportion as he may deem requisite", so that the said subsection shall now read as follows: Rev. Stat.,
c. 56, s. 45,
subs. 1,
amended.

Township
road
superintend-
ent, appoint-
ment and
salary.

- (1) The council of any township municipality in which statute labour has been abolished by by-law shall, by by-law, appoint a township road superintendent who, subject to the direction of the council, shall lay out and supervise all work and inspect all roads within the exclusive jurisdiction of the township council, and the Minister may direct that out of the Fund fifty per centum, or such greater proportion as he may deem requisite, of the salary and expenses of such superintendent paid by the township shall be reimbursed by the Province.

Rev. Stat.,
c. 56, s. 45,
subs. 3,
amended.

- (2) Subsection 3 of the said section 45 is amended by striking out the words "general regulations as the Department" in the second line and inserting in lieu thereof the words "requirements as the Minister", so that the said subsection shall now read as follows:

Superintend-
ent to con-
form to
requirements
of Minister.

- (3) The superintendent appointed under this section shall conform to such requirements as the Minister may prescribe.

Rev. Stat.,
c. 56, s. 45,
subs. 5,
amended.

- (3) Subsection 5 of the said section 45 is amended by striking out the words "any local municipality in the county" in the first and second lines and inserting in lieu thereof the words "the township", so that the said subsection shall now read as follows:

Councillors
disqualified
as township
road super-
intendent.

- (5) A member of the council of the township shall not be appointed or act as road superintendent or be employed by the township road superintendent in any capacity, and any such member who is appointed or who acts or is employed in contravention of this section shall forfeit his seat and be disqualified from sitting in the council of which he was a member at the time of his appointment or employment.

Rev. Stat.,
c. 56, s. 46,
subs. 1,
amended.

- 22.**—(1) Subsection 1 of section 46 of *The Highway Improvement Act* is amended by striking out the words "and in which money is not being expended under *The Colonization Roads Act*" in the second and third lines so that the said subsection exclusive of the clauses thereof, shall now read as follows:

Grants in
aid of town-
ship road
work.

- (1) The council of a township which has abolished statute labour may submit to the Department for approval such plans, specifications or by-laws as the Department may require for any or all of the following purposes of road construction, improvement or repair, namely,—

.

(2) Subsection 2 of the said section 46 is amended by striking out the article and word "a township" in the first line and inserting in lieu thereof the article and word "the township". Rev. Stat.,
c. 56, s. 46,
subs. 2,
amended.

23. Sections 47, 48 and 49 of *The Highway Improvement Act* are repealed and the following substituted therefor: Rev. Stat.,
c. 56, ss. 47,
48, 49,
re-enacted.

47.—(1) When approved by the Department the work or expenditure of any class mentioned in section 46 shall be carried out in accordance with the requirements of the Minister with regard thereto, and upon the completion of any such work or expenditure the council of the township may submit to the Minister an application in accordance with the provisions of section 48, for the provincial subsidy authorized by this Part. Township
road
subsidy.

(2) Where the township is an island, expenditure for which the corporation of the township may be entitled to aid under this Part, may include the whole or such proportion as the Minister may direct, of the cost of establishing and maintaining a ferry service between the island and the mainland by the corporation, its lessee or licensee. Cost of ferry
service may
be included.

(3) The Minister may arrange with the Department of Indian Affairs of the Government of Canada that the Indian Agent for an Indian Reserve may act as road superintendent to supervise the construction, improvement and maintenance in accordance with the requirements of the Minister, of the roads in any township or portion of a township constituting the Indian Reserve and where such arrangement has been made, the Department of Indian Affairs may make application in accordance with the provisions of section 48 for the provincial subsidy authorized by this Part, and the provisions of this Part shall apply *mutatis mutandis*. Roads in
Indian
Reserves,—
arrange-
ments with
Dominion.

48.—(1) The council of the township shall annually and may with the consent of the Minister at any time during the progress of the work of construction, improvement or repair of township roads submit to the Minister,— Particulars
to be
furnished.

(a) a detailed statement of receipts and expenditures in the form prescribed by the Minister;

(b) a declaration of the township road superintendent that the statement of receipts and

expenditures is correct and that the work has been done in accordance with requirements of the Minister and with the approval of the proper officer of the Department;

(c) a declaration of the township treasurer that the statement of receipts and expenditures is correct and that it contains no item of expenditure whether for labour or materials which was not paid to the persons performing the work or supplying the materials in actual cash or by cheque of the corporation of the township; and

(d) a petition for the payment of the grant, authorized by resolution of the council.

Amount of provincial subsidy.

(2) Upon the receipt of such statement, declarations and petition and the approval thereof by the proper officer of the Department, the Minister may direct payment to the township treasurer out of the Fund of an amount equal to fifty per centum of the amount of the expenditure which is properly chargeable to road improvement and in all cases of doubt or dispute the decision of the Minister shall be final.

Additional subsidy.

49. Where the Minister deems it necessary in order to secure the development of an adequate plan of road construction, he may direct that there be paid to the township such amount in addition to that paid under section 48 as he may deem requisite, but the total aid so granted in any one year shall not exceed eighty per centum of the amount of the township's funds expended on highway improvement in accordance with the requirements of the Minister.

Rev. Stat., c. 56, s. 50, re-enacted.

24. Section 50 of *The Highway Improvement Act* is repealed and the following substituted therefor:

Aid to be granted.

50. Expenditure in respect of which aid may be granted under section 48 shall not include,—

(a) any amount levied in the township for county road purposes; or

(b) any other road expenditure towards which a special contribution has been paid or may be payable from any source except with the consent of the Minister.

Rev. Stat., c. 56, s. 51, repealed.

25. Section 51 of *The Highway Improvement Act* is repealed.

Rev. Stat., c. 56, amended.

26. *The Highway Improvement Act* is amended by adding thereto the following Part:

PART IVA.

ROADS IN TERRITORY WITHOUT MUNICIPAL ORGANIZATION.

- 52b.—(1) In any part of Ontario where there is no municipal organization the Minister may arrange with the road commissioners elected under *The Statute Labour Act* or with any person who is the owner of land therein or of any equity or rights in or relating to any such land, for the construction, improvement, maintenance or repair of any road situate therein that may be designated by the Minister, and the Minister may direct payment out of the Fund of an amount equal to such proportion of the cost of the work as he may deem requisite. Roads where no municipal organization. Rev. Stat., c. 274.
- (2) Where the Minister deems it desirable that the inhabitants of any part of Ontario should become incorporated under *The Municipal Act*, the amount which shall be paid out of the Fund under this section in respect of a road in that part of Ontario shall not exceed fifty per centum of the value of the labour employed on the work. Where incorporation desirable. Rev. Stat., c. 266.
- (3) In this section,— Interpretation,—
- (a) “cost of the work” shall include the actual amount paid for materials and rental of machinery and the value of labour employed on the work; and “cost of the work”;
- (b) “value of labour employed on the work” shall be computed on the basis of the actual time worked applied to the rates of wages prevailing in the locality in which the work is performed. “value of labour employed on the work”.

27. Subsection 2 of section 59 of *The Highway Improvement Act* is amended by inserting after the word “or” in the eleventh line the words “be transferred to the municipality”, so that the said subsection shall now read as follows: Rev. Stat., c. 56, s. 59, subs. 2, amended.

- (2) The Lieutenant-Governor in Council upon the recommendation of the Minister may direct that any highway or portion or section thereof for which an alternative route has been substituted, or which is no longer required by the Department for the purpose of the King's Highway, or which from any cause should not remain under the jurisdiction of the Minister, may be closed to traffic or may be sold, leased or disposed of by the Minister, or may direct that any such highway, or portion or section of a highway, shall revert to the municipality previously liable for the maintenance and repair of the Highway may be disposed of, or revert or be transferred to municipality.

highway, or be transferred to the municipality within which the same is situate, and such municipal corporation shall thereupon be in possession and control of the said highway from and after a date to be named by the Lieutenant-Governor in Council.

Rev. Stat.,
c. 56, s. 66,
subs. 4,
amended.

28. Subsection 4 of section 66 of *The Highway Improvement Act* is amended by striking out the words "an urban municipality not separated from the county" in the third line and inserting in lieu thereof the words "a town not being a separated town or of a village", so that the said subsection shall now read as follows:

Agreement
for work on
connecting
roads for
highway.

- (4) Where it is deemed by the Minister desirable and expedient an agreement may be entered into with the corporation of a town not being a separated town or of a village for the construction, improvement, maintenance and repair therein by the municipality or by the Department of any highway which is a connecting link or extension of the King's Highway.

Rev. Stat.,
c. 56, s. 76,
subs. 1,
amended.

29. Subsection 1 of section 76 of *The Highway Improvement Act* is amended by striking out the word "Department" where it occurs in the fourth line and inserting in lieu thereof the word "Minister".

Rev. Stat.,
c. 56, s. 79b,
(1939, c. 19,
s. 8) re-
enacted.

30. Section 79b of *The Highway Improvement Act* as enacted by section 8 of *The Highway Improvement Amendment Act, 1939*, is repealed and the following substituted therefor:

"Develop-
ment
Road, —
designation
of.

- 79b. The Lieutenant-Governor in Council, upon the recommendation of the Minister may designate as a "Development Road" any road or proposed road which he may deem it expedient to improve or construct in order to promote or maintain settlement or development in any part of Ontario, provided that a road or proposed road situate in a municipality forming part of a county shall not be so designated unless the by-law passed by the council of the county for the levying of a general annual rate for county road purposes exempts the municipality from the levying of such rate in accordance with the provisions of section 12.

Rev. Stat.,
c. 56, s. 85,
subs. 3,
amended.

31.—(1) Subsection 3 of section 85 of *The Highway Improvement Act* is amended by striking out the word "regulations" in the fourth line and by striking out the word "walk" in the seventh line and inserting in lieu thereof the words "sidewalk, improvements or service", so that the said subsection shall now read as follows:

- (3) A local municipality when constructing a sidewalk or other improvements or service on a road or highway under the provisions of this section shall conform to any requirements or conditions imposed by the authority responsible for or having control of the said road or highway, and shall be responsible for any injury or damage arising from the construction or presence of such sidewalk, improvements or service on the road or highway. Local municipality to conform to requirements and be responsible for damages.
- (2) Subsection 4 of the said section 85 is repealed and the following substituted therefor: Rev. Stat., c. 56, s. 85, subs. 4, re-enacted.
- (4) The council of a township may apply to the Department for authority to construct a sidewalk or footpath on the King's Highway or a county road and the Department may grant such authority, and upon completion of the work may approve thereof at its discretion, and upon such approval being given the council may make application in the form prescribed by the Minister for, and the Minister may authorize the payment to the township out of the Fund of an amount not exceeding fifty per centum of the cost of the work. Construction of sidewalk or footpath.
- 32.** *The Highway Improvement Act* is amended by adding thereto the following section: Rev. Stat., c. 56, amended.
91. Wherever a subsidy is applied for by the council of any county, township or other road authority under any provision of this Act, vouchers covering all expenditures, in respect of which such subsidy is applied for, shall be furnished to the Department in a form satisfactory to the Minister. Vouchers.
- 33.** This Act may be cited as *The Highway Improvement Amendment Act, 1944.* Short title.

1st Reading

February 24th, 1944

2nd Reading

February 28th, 1944

3rd Reading

March 6th, 1944

MR. DOUGETT

No. 28

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Legitimation Act.

MR. BLACKWELL

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Legitimation Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 216,
amended.

1. *The Legitimation Act* is amended by adding thereto the following section:

Intestacy of
mother of
illegitimate
child.

6.—(1) Where the mother of an illegitimate child, such child not being legitimated by this Act, dies intestate as respects all or any of her real or personal property, and does not leave any legitimate issue her surviving, the illegitimate child, or, if he is dead, his issue, shall be entitled to take any interest therein to which he or such issue would have been entitled if he had been born legitimate.

Intestacy of
illegitimate
child.

(2) Subject to the provisions of subsection 8 of section 6 of *The Adoption Act* where an illegitimate child, not being legitimated by this Act, dies intestate in respect of all or any of his real or personal property, his mother, if surviving, shall be entitled to take any interest therein to which she would have been entitled if the child had been born legitimate and she had been the only surviving parent.

Short title.

2. This Act may be cited as *The Legitimation Amendment Act, 1944*.

EXPLANATORY NOTE

Under existing law in Ontario, where an illegitimate child or the mother of an illegitimate child dies intestate the other is not entitled to share in the estate of the deceased child or mother. The section enacted by this Bill places an illegitimate child in the same position as a legitimate child for the purposes of intestate succession rights in his mother's estate where there are no legitimate children of such mother. It also provides that the mother of a deceased illegitimate child shall have the same rights for purposes of intestate succession as though the child had been legitimate. The reference to *The Adoption Act* preserves the rights of adopting parents of an illegitimate child with respect to property which he has acquired from them.

1st Reading

February 24th, 1944

2nd Reading

3rd Reading

MR. BLACKWELL

No. 28

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c. 216,
amended.

1. *The Legitimation Act* is amended by adding thereto the following section:

Intestacy
of mother of
illegitimate
child.

6.—(1) Where the mother of an illegitimate child, such child not being legitimated by this Act, dies intestate as respects all or any of her real or personal property, and does not leave any legitimate issue her surviving, the illegitimate child, or, if he is dead, his issue, shall be entitled to take any interest therein to which he or such issue would have been entitled if he had been born legitimate.

Intestacy of
illegitimate
child.

(2) Subject to the provisions of subsection 8 of section 6 of *The Adoption Act* where an illegitimate child, not being legitimated by this Act, dies intestate in respect of all or any of his real or personal property, his mother, if surviving, shall be entitled to take any interest therein to which she would have been entitled if the child had been born legitimate and she had been the only surviving parent.

Short title.

2. This Act may be cited as *The Legitimation Amendment Act, 1944*.

An Act to amend The Legitimation Act.

1st Reading

February 24th, 1944

2nd Reading

February 25th, 1944

3rd Reading

February 29th, 1944

MR. BLACKWELL

No. 29

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Crown Timber Act.

MR. THOMPSON

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Crown Timber Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 36,
amended.

1. *The Crown Timber Act* is amended by adding thereto the following section:

Removing
lumber
before
scaling.

3a.—(1) Every licensee who removes any timber or causes any timber to be removed from the land described in the license before it has been scaled by an officer of the Department shall be guilty of an offence and liable to a penalty of not less than an amount equal to twice the amount payable to the Crown under this Act in respect of such timber and not more than an amount equal to five times the amount so payable.

Recovery of
penalties.
Rev. Stat.,
c. 136.

(2) The penalties provided by this section may be recovered in the manner prescribed by *The Summary Convictions Act*.

Rev. Stat.,
c. 36, s. 19,
subs. 2,
amended.

2.—(1) Subsection 2 of section 19 of *The Crown Timber Act* is amended by striking out all the words after the word "return" in the second line and inserting in lieu thereof the words "shall be guilty of an offence and liable to a penalty of not less than \$100 nor more than \$500", so that the said subsection shall now read as follows:

Consequence
of failure
to make
return.

(2) Every person who refuses or neglects to furnish such return shall be guilty of an offence and liable to a penalty of not less than \$100 nor more than \$500.

Rev. Stat.,
c. 36, s. 19,
amended.

(2) The said section 19 is amended by adding thereto the following subsection:

Recovery of
penalties.
Rev. Stat.,
c. 136.

(3) The penalties provided by this section may be recovered in the manner prescribed by *The Summary Convictions Act*.

Short title.

3. This Act may be cited as *The Crown Timber Amendment Act, 1944*.

EXPLANATORY NOTES

SECTION 1. The new section provides appropriate penalties against the holder of a license under *The Crown Timber Act* who removes timber before the Department has secured a proper record thereof.

SECTION 2. Penalties are provided for licensees who fail to make the required returns.

An Act to amend The Crown Timber Act.

1st Reading

February 24th, 1944

2nd Reading

3rd Reading

MR. THOMPSON

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Crown Timber Act.

MR. THOMPSON

BILL

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c. 36,
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1. *The Crown Timber Act* is amended by adding thereto the following section:

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lumber
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scaling.

3a.—(1) Every licensee who removes any timber or causes any timber to be removed from the land described in the license before it has been scaled by an officer of the Department shall be guilty of an offence and liable to a penalty of not less than an amount equal to twice the amount payable to the Crown under this Act in respect of such timber and not more than an amount equal to five times the amount so payable.

Recovery of
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(2) The penalties provided by this section may be recovered in the manner prescribed by *The Summary Convictions Act*.

Rev. Stat.,
c. 36, s. 19,
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2.—(1) Subsection 2 of section 19 of *The Crown Timber Act* is amended by striking out all the words after the word "return" in the second line and inserting in lieu thereof the words "shall be guilty of an offence and liable to a penalty of not less than \$100 nor more than \$500", so that the said subsection shall now read as follows:

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Rev. Stat.,
c. 36, s. 19,
amended.

(2) The said section 19 is amended by adding thereto the following subsection:

Recovery of
penalties.
Rev. Stat.,
c. 136.

(3) The penalties provided by this section may be recovered in the manner prescribed by *The Summary Convictions Act*.

Short title.

3. This Act may be cited as *The Crown Timber Amendment Act, 1944*.

An Act to amend The Crown Timber Act.

1st Reading

February 24th, 1944

2nd Reading

February 28th, 1944

3rd Reading

March 3rd, 1944

MR. THOMPSON

No. 30

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Law Society Act.

MR. BLACKWELL

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Law Society Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 221, s. 50,
amended.

1. Section 50 of *The Law Society Act* is amended by striking out the words "the widows and orphans of barristers and solicitors" in the second line and inserting in lieu thereof the words "barristers and solicitors, their widows, orphans or dependents", and by striking out the words "widows and orphans" in the sixth and seventh lines and inserting in lieu thereof the words "barristers and solicitors, their widows, orphans or dependents", so that the said section shall now read as follows:

Law
Benevolent
Fund.

50. The benchers may establish a fund for the benefit of barristers and solicitors, their widows, orphans or dependents to be called "The Law Benevolent Fund", and may make all necessary rules and regulations for the management and investment of such fund, and the terms of subscription and appropriation thereof, and the conditions under which such barristers and solicitors, their widows, orphans or dependents shall be entitled to share in such fund.

Short title.

2. This Act may be cited as *The Law Society Amendment Act, 1944*.

EXPLANATORY NOTE

The amendment to the section of *The Law Society Act* which provides for the establishment of a benevolent fund for "the benefit of the widows and orphans of barristers and solicitors" permits such benefits to be extended as well to barristers and solicitors and to other dependents as well as widows and orphans.

An Act to amend The Law Society
Act

1st Reading

February 24th, 1944

2nd Reading

3rd Reading

MR. BLACKWELL

No. 30

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Law Society Act.

MR. BLACKWELL

(Reprinted as amended in Committee of the Whole House.)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 30

1944

BILL

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Short title.

2. This Act may be cited as *The Law Society Amendment Act, 1944*.

EXPLANATORY NOTE

The amendment to the section of *The Law Society Act* which provides for the establishment of a benevolent fund for "the benefit of the widows and orphans of barristers and solicitors" permits such benefits to be extended as well to barristers or solicitors and to other dependents as well as widows and orphans.

An Act to amend The Law Society
Act

1st Reading

February 24th, 1944

2nd Reading

February 25th, 1944

3rd Reading

MR. BLACKWELL.

(Reprinted as amended in Committee of the
Whole House.)

No. 30

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Law Society Act.

MR. BLACKWELL

TORONTO
PRINTED BY T. E. BOWMAN
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Law
Benevolent
Fund.

50. The benchers may establish a fund for the benefit of barristers or solicitors, their widows, orphans or dependents to be called "The Law Benevolent Fund", and may make all necessary rules and regulations for the management and investment of such fund, and the terms of subscription and appropriation thereof, and the conditions under which such barristers or solicitors, their widows, orphans or dependents shall be entitled to share in such fund.

Short title.

2. This Act may be cited as *The Law Society Amendment Act, 1944*.

An Act to amend The Law Society
Act

1st Reading

February 24th, 1944

2nd Reading

February 25th, 1944

3rd Reading

March 3rd, 1944

MR. BLACKWELL

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Provincial Land Tax Act.

MR. THOMPSON

BILL

An Act to amend The Provincial Land Tax Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 30, s. 18,
(1940,
c. 21, s. 5)
re-enacted.

1. Section 18 of *The Provincial Land Tax Act* as re-enacted by section 5 of *The Provincial Land Tax Amendment Act, 1940*, is repealed and the following substituted therefor:

Penalty
and interest
on unpaid
taxes.

18. Where any tax under this Act remains unpaid on the 1st day of March in the year for which it is payable a penalty of five per centum shall be added thereto and in addition such tax and penalty shall bear interest at the rate of six per centum per annum from such 1st day of March until paid and for all purposes the amount of such tax, penalty and interest shall be deemed to be tax due and payable under this Act.

Commence-
ment of s. 1.

2. Section 1 shall have effect on and after the 1st day of March, 1944.

Short title.

3. This Act may be cited as *The Provincial Land Tax Amendment Act, 1944*.

EXPLANATORY NOTE

The re-enactment of section 18 reduces the rate of interest which is payable on arrears of taxes and on the fixed penalty of five per centum from ten per centum per annum to six per centum per annum, and clarifies the section by providing that penalty and interest shall be deemed tax due and payable.

An Act to amend The Provincial Land
Tax Act.

1st Reading

February 24th, 1944

2nd Reading

3rd Reading

MR. THOMPSON

No. 31

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Provincial Land Tax Act.

MR. THOMPSON

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Provincial Land Tax Act.

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Rev. Stat.,
c. 30, s. 18,
(1940,
c. 21, s. 5)
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1. Section 18 of *The Provincial Land Tax Act* as re-enacted by section 5 of *The Provincial Land Tax Amendment Act, 1940*, is repealed and the following substituted therefor:

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Commence-
ment of s. 1.

2. Section 1 shall have effect on and after the 1st day of March, 1944.

Short title.

3. This Act may be cited as *The Provincial Land Tax Amendment Act, 1944*.

An Act to amend The Provincial Land
Tax Act.

1st Reading

February 24th, 1944

2nd Reading

February 29th, 1944

3rd Reading

March 3rd, 1944

MR. THOMPSON

No. 32

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Trustee Act.

MR. BLACKWELL

BILL

An Act to amend The Trustee Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 165,
s. 48,
amended.

1. Section 48 of *The Trustee Act* is amended by adding thereto the following subsections:

Over-pay-
ment to
creditor.

(2) Where a personal representative pays more to a creditor or claimant than the amount to which he is entitled under the provisions of subsection 1, such overpayment shall not entitle any other creditor or claimant to recover more than the amount to which he would be entitled if such overpayment had not been made.

Relief from
personal
liability.

(3) Where a personal representative pays more to a creditor or claimant than the amount to which he is entitled under the provisions of subsection 1, the court may relieve the personal representative either wholly or partly from personal liability if it is satisfied that he has acted honestly and reasonably and for the protection or conservation of the assets of the estate.

Short
title.

2. This Act may be cited as *The Trustee Amendment Act, 1944*.

EXPLANATORY NOTE

Under the law as it at present stands where an estate is insufficient to pay all the creditors in full the executor or trustee must pay the creditors on a *pro rata* basis and if he pays one creditor in full the cases indicate that this may involve an admission of sufficient assets to pay all the creditors and may render him personally liable to the other creditors. Subsection 2 provides that a creditor shall not be entitled to recover more than his distributive share and subsection 3 permits the court to relieve the personal representative from personal liability in respect of any such overpayment where he acted honestly and reasonably and for the protection and conservation of the assets of the estate.

An Act to amend The Trustee Act.

1st Reading

February 24th, 1944

2nd Reading

3rd Reading

MR. BLACKWELL

No. 32

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Trustee Act.

MR. BLACKWELL

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

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Relief from
personal
liability.

(3) Where a personal representative pays more to a creditor or claimant than the amount to which he is entitled under the provisions of subsection 1, the court may relieve the personal representative either wholly or partly from personal liability if it is satisfied that he has acted honestly and reasonably and for the protection or conservation of the assets of the estate.

Short
title.

2. This Act may be cited as *The Trustee Amendment Act*, 1944.

An Act to amend The Trustee Act.

1st Reading

February 24th, 1944

2nd Reading

February 25th, 1944

3rd Reading

February 29th, 1944

MR. BLACKWELL

No. 33

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Surveys Act.

MR. THOMPSON

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Surveys Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 232, s. 28,
amended.

1. Section 28 of *The Surveys Act* is amended by adding thereto the following subsection:

Aliquot
part of lot.

(2a) Where in accordance with this Act an aliquot part of a lot in a concession in a township is the aliquot part of the area of the lot any boundary of such aliquot part not surveyed prior to the 1st day of July, 1944, shall be run on the same course as is required in the case of a side line of the lot not run in the original survey, or parallel to a straight line joining the front corners of the lot, as the case may be but where in such latter case the front of the lot is broken at either end by a lake, river or natural boundary the unsurveyed boundaries of the aliquot part shall be run parallel to the straight line joining the rear corners of the lot, and where the rear boundary of the lot is also broken at either end by a river, lake or other natural boundary then the unsurveyed boundaries of the aliquot part shall be run on the astronomic course of the part of the concession line in front of the lot as stated in the original field notes, or if such course was not stated in the original field notes, then they shall be run on the astronomic course intended for such concession line or part of concession line according to the instructions for the original survey of the township.

Short title.

2. This Act may be cited as *The Surveys Amendment Act, 1944*.

EXPLANATORY NOTE

The amendment relates to a technical matter in surveying and prescribes the recognized procedure.



An Act to amend The Surveys Act.

1st Reading

February 24th, 1944

2nd Reading

3rd Reading

MR. THOMPSON

No. 33

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Surveys Act.

MR. THOMPSON

BILL

An Act to amend The Surveys Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 232, s. 28,
amended.

1. Section 28 of *The Surveys Act* is amended by adding thereto the following subsection:

Aliquot
part of lot.

(2a) Where in accordance with this Act an aliquot part of a lot in a concession in a township is the aliquot part of the area of the lot any boundary of such aliquot part not surveyed prior to the 1st day of July, 1944, shall be run on the same course as is required in the case of a side line of the lot not run in the original survey, or parallel to a straight line joining the front corners of the lot, as the case may be but where in such latter case the front of the lot is broken at either end by a lake, river or natural boundary the unsurveyed boundaries of the aliquot part shall be run parallel to the straight line joining the rear corners of the lot, and where the rear boundary of the lot is also broken at either end by a river, lake or other natural boundary then the unsurveyed boundaries of the aliquot part shall be run on the astronomic course of the part of the concession line in front of the lot as stated in the original field notes, or if such course was not stated in the original field notes, then they shall be run on the astronomic course intended for such concession line or part of concession line according to the instructions for the original survey of the township.

Short title.

2. This Act may be cited as *The Surveys Amendment Act, 1944.*

An Act to amend The Surveys Act.

1st Reading

February 24th, 1944

2nd Reading

February 28th, 1944

3rd Reading

March 3rd, 1944

MR. THOMPSON

No. 34

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Public Lands Act.

MR. THOMPSON

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Public Lands Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 33, s. 13,
amended.

1. Section 13 of *The Public Lands Act* is amended by adding at the end thereof the words "including the rate of interest to be charged on any unpaid balance", so that the said section shall now read as follows:

Price of
land and
rate of
interest.

13. The Lieutenant-Governor in Council may, from time to time, fix the prices at which the public lands are to be sold, and the terms and conditions of sale and of settlement including the rate of interest to be charged on any unpaid balance.

Rev. Stat.,
c. 33, s. 24,
subss. 1, 2,
amended.

2. Section 24 of *The Public Lands Act* is amended by striking out the words and figures "1st day of July, 1890" where they occur in the second line of subsection 1 and in the fourth line of subsection 2, and inserting in lieu thereof the words and figures "23rd day of June, 1942", so that the said subsections shall now read as follows:

Reduction
in price of
land sold
beyond fair
value.

(1) The Minister may reduce the price of any public lands sold by the Crown before the 23rd day of June, 1942, where it appears that the land was sold at a price beyond its fair value, and that the price or part of it remains unpaid, but the reduction shall not exceed the amount which remains unpaid.

Abatement
of interest.

(2) The Minister may also make such abatement as he may deem just, of the arrears of interest upon the unpaid purchase money of any public lands sold by the Crown before the 23rd day of June, 1942.

Short title.

3. This Act may be cited as *The Public Lands Amendment Act, 1944*.

EXPLANATORY NOTES

SECTION 1. Doubt is removed as to the power of the Lieutenant-Governor in Council to fix interest rates in respect of unpaid balances where public lands are sold.

SECTION 2. The powers vested in the Minister of Lands and Forests under the two subsections which are now amended are exercisable only in respect of lands sold before the 1st day of July, 1890. The amendment advances this date to the 23rd day of June, 1942.

An Act to amend The Public Lands Act.

1st Reading

February 24th, 1944

2nd Reading

3rd Reading

MR. THOMPSON

No. 34

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Public Lands Act.

MR. THOMPSON

BILL

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land and
rate of
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land sold
beyond fair
value.

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Abatement
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(2) The Minister may also make such abatement as he may deem just, of the arrears of interest upon the unpaid purchase money of any public lands sold by the Crown before the 23rd day of June, 1942.

Short title.

3. This Act may be cited as *The Public Lands Amendment Act, 1944*.

An Act to amend The Public Lands Act.

1st Reading

February 24th, 1944

2nd Reading

February 28th, 1944

3rd Reading

March 3rd, 1944

MR. THOMPSON

No. 35

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

The Mortgagors' and Purchasers' Relief Act, 1944.

MR. BLACKWELL

BILL

The Mortgagors' and Purchasers' Relief Act, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1933, c. 35,
continued
in force.

1934, c. 33;
1935, c. 41;
1936, c. 38;
1937, c. 45;
1938, c. 21;
1939, c. 29;
1940, c. 17;
1941, c. 34;
1942, c. 28;
1943, c. 15.

1. Notwithstanding anything contained in section 36 of *The Mortgagors' and Purchasers' Relief Act, 1933*, *The Mortgagors' and Purchasers' Relief Act, 1934*, *The Mortgagors' and Purchasers' Relief Act, 1935*, section 3 of *The Mortgagors' and Purchasers' Relief Amendment Act, 1936*, *The Mortgagors' and Purchasers' Relief Act, 1937*, *The Mortgagors' and Purchasers' Relief Act, 1938*, section 3 of *The Mortgagors' and Purchasers' Relief Act, 1939*, *The Mortgagors' and Purchasers' Relief Act, 1940*, *The Mortgagors' and Purchasers' Relief Act, 1941*, *The Mortgagors' and Purchasers' Relief Act, 1942*, or *The Mortgagors' and Purchasers' Relief Act, 1943*, all the provisions of *The Mortgagors' and Purchasers' Relief Act, 1933*, shall continue in force and have effect until the 30th day of June, 1945.

Short title.

2. This Act may be cited as *The Mortgagors' and Purchasers' Relief Act, 1944*.

EXPLANATORY NOTE

This Bill provides for a further extension of one year of *The Mortgagors' and Purchasers' Relief Act, 1933*.

The Mortgagees' and Purchasers'
Relief Act, 1944.

1st Reading

February 24th, 1944

2nd Reading

3rd Reading

MR. BLACKWELL

No. 35

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

The Mortgagors' and Purchasers' Relief Act, 1944.

MR. BLACKWELL

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

The Mortgagors' and Purchasers' Relief Act, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1933, c. 35,
continued
in force.

1934, c. 33;
1935, c. 41;
1936, c. 38;
1937, c. 45;
1938, c. 21;
1939, c. 29;
1940, c. 17;
1941, c. 34;
1942, c. 28;
1943, c. 15.

1. Notwithstanding anything contained in section 36 of *The Mortgagors' and Purchasers' Relief Act, 1933*, *The Mortgagors' and Purchasers' Relief Act, 1934*, *The Mortgagors' and Purchasers' Relief Act, 1935*, section 3 of *The Mortgagors' and Purchasers' Relief Amendment Act, 1936*, *The Mortgagors' and Purchasers' Relief Act, 1937*, *The Mortgagors' and Purchasers' Relief Act, 1938*, section 3 of *The Mortgagors' and Purchasers' Relief Act, 1939*, *The Mortgagors' and Purchasers' Relief Act, 1940*, *The Mortgagors' and Purchasers' Relief Act, 1941*, *The Mortgagors' and Purchasers' Relief Act, 1942*, or *The Mortgagors' and Purchasers' Relief Act, 1943*, all the provisions of *The Mortgagors' and Purchasers' Relief Act, 1933*, shall continue in force and have effect until the 30th day of June, 1945.

Short title.

2. This Act may be cited as *The Mortgagors' and Purchasers' Relief Act, 1944*.

The Mortgagees' and Purchasers'
Relief Act, 1944.

1st Reading

February 24th, 1944

2nd Reading

February 25th, 1944

3rd Reading

February 29th, 1944

MR. BLACKWELL

No. 36

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

e Abitibi Power & Paper Company Limited Moratorium Act, 1944.

MR. BLACKWELL

BILL

The Abitibi Power & Paper Company Limited Moratorium Act, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1941, c. 1,
1942, c. 3,
extended.

1. Notwithstanding anything contained in section 4 of *The Abitibi Power & Paper Company Limited Moratorium Act, 1941*, section 1 of *The Abitibi Power & Paper Company Limited Moratorium Act, 1942*, or section 1 of *The Statute Law Amendment Act, 1943*, all the other provisions of *The Abitibi Power & Paper Company Limited Moratorium Act, 1941*, and *The Abitibi Power & Paper Company Limited Moratorium Act, 1942*, shall be and remain in force and shall have effect until the 30th day of June, 1945.

1942, c. 3,
s. 2,
amended.

2. Section 2 of *The Abitibi Power & Paper Company Limited Moratorium Act, 1942*, as amended by section 2 of *The Statute Law Amendment Act, 1943*, is further amended by striking out the figures "1944" in the first line and inserting in lieu thereof the figures "1945", so that the said section, exclusive of the clauses, shall now read as follows:

No proceed-
ings without
consent.

2. Until after the 30th day of June, 1945, in so far as any property, real or personal, in Ontario is concerned, without the consent in writing of the Attorney-General,—

.

Short title.

3. This Act may be cited as *The Abitibi Power & Paper Company Limited Moratorium Act, 1944*.

EXPLANATORY NOTE

The effect of this Bill is to extend the operation of *The Abitibi Power & Paper Company Limited Moratorium Act, 1941*, to the 30th day of June, 1945.

The Abitibi Power & Paper Company
Limited Moratorium Act, 1944.

1st Reading

February 24th, 1944

2nd Reading

3rd Reading

MR. BLACKWELL

No. 36

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

e Abitibi Power & Paper Company Limited Moratorium Act, 1944.

MR. BLACKWELL

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

The Abitibi Power & Paper Company Limited Moratorium Act, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1941, c. 1,
1942, c. 3,
extended.

1. Notwithstanding anything contained in section 4 of *The Abitibi Power & Paper Company Limited Moratorium Act, 1941*, section 1 of *The Abitibi Power & Paper Company Limited Moratorium Act, 1942*, or section 1 of *The Statute Law Amendment Act, 1943*, all the other provisions of *The Abitibi Power & Paper Company Limited Moratorium Act, 1941*, and *The Abitibi Power & Paper Company Limited Moratorium Act, 1942*, shall be and remain in force and shall have effect until the 30th day of June, 1945.

1942, c. 3,
s. 2,
amended.

2. Section 2 of *The Abitibi Power & Paper Company Limited Moratorium Act, 1942*, as amended by section 2 of *The Statute Law Amendment Act, 1943*, is further amended by striking out the figures "1944" in the first line and inserting in lieu thereof the figures "1945", so that the said section, exclusive of the clauses, shall now read as follows:

No proceed-
ings without
consent.

2. Until after the 30th day of June, 1945, in so far as any property, real or personal, in Ontario is concerned, without the consent in writing of the Attorney-General,—

.

Short title.

3. This Act may be cited as *The Abitibi Power & Paper Company Limited Moratorium Act, 1944*.

The Abitibi Power & Paper Company
Limited Moratorium Act, 1944.

1st Reading

February 24th, 1944

2nd Reading

February 25th, 1944

3rd Reading

February 29th, 1944

MR. BLACKWELL

No. 37

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

The Holland Marsh Roads Act, 1944.

MR. DOUCETT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

The Holland Marsh Roads Act, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpre- tation,—

1. In this Act,—

“clerk”;

(a) “clerk” shall mean clerk of the municipality;

“lot”;

(b) “lot” shall mean a parcel of land which by *The Assessment Act* is required to be separately assessed and shall include part of a lot;

“owner”;

(c) “owner” shall mean the person whose name appears on the last revised assessment roll of the municipality as the owner of the land;

“road”;

(d) “road” shall mean a common or public highway and shall include a street or bridge forming part of a highway, or on, over, under or across which a highway passes, or any other structure incidental thereto;

“road
improvement
area”;

(e) “road improvement area” shall mean a road improvement area designated under this Act; and

“value”.

(f) “value” shall mean assessed value of land, exclusive of the value of buildings, according to the last revised assessment roll of the municipality.

Application of Act.

2. This Act shall apply to that part of Ontario which lies in the townships of King and West Gwillimbury and the village of Bradford, between the Holland River and the drainage canal which was constructed pursuant to *The Municipal Drainage Act* and forms part of what is commonly known as the Holland Marsh Drainage Scheme.

Rev. Stat.,
c. 278.

Road
improve-
ment area,—

3.—(1) On petition signed by at least two-thirds of the owners of all lots in the area defined in the petition representing at least one-half of the total value of all lots in the area, the

EXPLANATORY NOTES

GENERAL. Because of the nature of the soil and the heavy use to which roads are subjected by the residents of the Holland Marsh in connection with their business the building and maintenance of roads in that area presents a special problem. The owners of property located in the area are willing to pay a substantial share of the additional cost of building and maintaining proper roads but the provisions of the general Statutes relating to the construction and maintenance of roads do not provide means for taking care of the special situation which is restricted to parts of three municipalities. Accordingly this Bill provides for the erection of road improvement areas by the appropriate municipal council upon petition of two-thirds of the owners of the lots within the proposed area representing at least one-half of the total value of all the lots in the area. Special rates are leviable for road purposes within the road improvement areas.

SECTION 1. Self-explanatory.

SECTION 2. The territorial limitation of the Act is defined.

SECTION 3. Municipal councils are authorized to erect road improvement areas and to enlarge them upon petition.

council of the municipality in which such area is situate may by by-law designate it as a road improvement area.

enlarge-
ment of.

(2) A road improvement area may be enlarged by by-law of the council of the municipality in which such road improvement area and any area proposed to be added thereto are situate on petition signed by at least two-thirds of the owners of all lots in the road improvement area and by at least two-thirds of the owners of all lots in the area proposed to be added representing together at least one-half of the total value of all lots in the combined areas.

Special
annual
rate,—

4.—(1) The council of a municipality in which a road improvement area is situate may by by-law impose and levy a special annual rate against every lot included therein and such special rate shall be in addition to all other rates.

amount of.

(2) The special rate shall not in any year exceed a rate of five cents on the dollar of the value of the lots in the road improvement area, but if in any year the proceeds of a rate of five cents on the dollar are insufficient to provide the funds required for that year, on petition signed by at least two-thirds of the owners of all lots in the road improvement area representing at least one-half of the total value of all lots in the area, requesting that a stated higher rate be levied for that year, the council may by by-law impose and levy such higher rate.

Application
of Rev. Stat.,
c. 272.

(3) The provisions of *The Assessment Act* applicable to the levying and collecting of local rates shall apply to a special rate imposed and levied under this Act.

Proceeds
of special
rate.

5. The proceeds of the special rate shall be accounted for separately on the collector's roll, and such proceeds together with any amount which the council may appropriate for that purpose out of the general rate and in the case of a township the subsidy payable under this Act, shall be expended on the construction, improvement or maintenance of roads within the road improvement area, including the bridges leading thereto which cross the drainage canal, and the approaches to such bridges for a distance of one hundred feet from each end thereof.

Work in
townships.

6. In the case of a township the work shall be carried out under the supervision of the township road superintendent and in accordance with the requirements of the Minister of Highways and the expenditure thereon may be included in the application for subsidy submitted to the Minister under *The*

Rev. Stat.,
c. 56.

Highway Improvement Act.

SECTION 4. The levying of a special rate upon lots within a road improvement area is authorized. The special annual rate, which is normally limited to five cents on the dollar of the value of the lots in the road improvement area, may be increased upon petition.

SECTION 5. The proceeds of any special levy under this Act are to be accounted for separately and the section prescribes the uses for which such proceeds may be expended.

SECTION 6. The township road superintendent shall supervise the work which is carried on under this Act in a township and any expenditure made may be included in the application for subsidy authorized by *The Highway Improvement Act*.

Presentation
of petition.

7.—(1) A petition under this Act shall be lodged with the clerk, and shall be deemed to be presented to the council when it is so lodged.

Description
of lot.

(2) There shall be set out opposite every signature to the petition a description of the lot of which the petitioner is the owner.

Sufficiency
of petition.

8. The sufficiency of a petition shall be determined by the clerk and his determination shall be evidenced by his certificate and when so evidenced shall be final.

Withdrawal
of name.

9. No person may withdraw his name from, and no name shall be added to a petition after it has been lodged with the clerk.

Determining
value.

10. Where it is necessary to determine the value of any lot because the value cannot be ascertained from the assessment roll by reason of the lot not having been separately assessed, or for any other reason, the clerk shall determine the value thereof and such determination shall be final.

Proof of
ownership.

11. Where it is proven to the satisfaction of the clerk that any person whose name does not appear on the last revised assessment roll of the municipality as the owner of a lot is in fact the owner thereof, such person shall for the purposes of this Act be deemed the owner thereof in the place and stead of the person whose name so appears.

Joint
owners.

12. Where the names of two or more persons appear on the last revised assessment roll as the owners of any lot, unless each of such persons appears as the owner of a defined part of the lot, they shall for the purposes of determining the sufficiency of a petition be considered as one owner only and shall not be counted as a petitioner unless a majority of them have signed the petition.

Owner
assessed
for more
than one
lot.

13. Where an owner is assessed for more than one lot within the area defined in the petition, in determining the sufficiency of such petition, such owner shall be reckoned as one only but shall represent the value of all such lots.

Investiga-
tion of
complaint.

14.—(1) Where prior to the certification of a petition by the clerk any person lodges with the clerk an affidavit deposing that his signature to such petition has been obtained by fraud, duress or misrepresentation the judge of the county court of the county in which the municipality is situate shall investigate the complaint and the clerk shall not certify such petition until the judge has made his finding.

Effect of
finding.

(2) Where the judge finds that the signature of any person has been obtained by fraud, duress or misrepresentation such person shall not be counted as a petitioner.

SECTIONS 7 to 13. These sections which deal with the presentation and sufficiency of petitions, are all self explanatory.

SECTION 14. Provision is made for investigation by a judge of a charge made by any person that his signature to a petition has been obtained by fraud, duress or misrepresentation.

Evidence.

(3) For the purpose of any investigation under this section the judge may summon any person and require him to give evidence on oath and to produce such documents and things as the judge deems requisite and the judge shall have the same power to enforce the attendance of witnesses and to compel them to give evidence and produce documents and things as is vested in any court in civil cases.

Embankment or dyke forming part of road.

Rev. Stat., c. 278.

15.—(1) Where any embankment or dyke constructed pursuant to the provisions of *The Municipal Drainage Act* as part of the Holland Marsh Drainage Scheme forms part of a road under the jurisdiction of a municipality such municipality may enter into an agreement with the other municipalities liable to contribute any portion of the cost of maintenance of the drainage scheme to determine what proportion of any expenditure to be made on the embankment or dyke shall be chargeable to road improvement and what proportion shall be chargeable to maintenance of the drainage scheme.

Failure to agree.

(2) If the municipalities are unable to agree as to what proportion of any expenditure to be made on the embankment or dyke shall be chargeable to road improvement and what proportion shall be chargeable to maintenance of the drainage scheme, any of the municipalities may require that the proportions so chargeable shall be determined by arbitration by serving notice in writing of such requirement upon the clerks of the other municipalities.

Arbitrator.

(3) The arbitrator shall be a professional engineer engaged in private practice agreed upon by the parties to the arbitration and where the parties are unable to agree upon the choice of an arbitrator the Minister of Highways may appoint the arbitrator but the fees and expenses of any arbitrator so appointed shall be borne by the municipalities.

Decision final.

(4) The decision of the arbitrator shall be final and there shall be no appeal therefrom.

Commencement of Act.

16. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

17. This Act may be cited as *The Holland Marsh Roads Act, 1944*.

SECTION 15. Where an embankment or dyke which forms part of the Holland Marsh Drainage Scheme also forms part of a road, provision is made for determining what portion of any expenditure to be made on the embankment or dyke shall be chargeable to road improvement and what portion shall be chargeable to maintenance of the drainage scheme.

SECTION 16. As persons are anxious to proceed with petitions in several proposed road improvement areas, it is provided that the Act shall come into force on the day upon which it receives the Royal Assent.

1st Reading

February 24th, 1944

2nd Reading

3rd Reading

MR. DOUGETT

No. 37

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

The Holland Marsh Roads Act, 1944.

MR. DOUCETT

BILL

The Holland Marsh Roads Act, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpre-
tation,—

1. In this Act,—

"clerk";

(a) "clerk" shall mean clerk of the municipality;

"lot";

(b) "lot" shall mean a parcel of land which by *The Assessment Act* is required to be separately assessed and shall include part of a lot;

"owner";

(c) "owner" shall mean the person whose name appears on the last revised assessment roll of the municipality as the owner of the land;

"road";

(d) "road" shall mean a common or public highway and shall include a street or bridge forming part of a highway, or on, over, under or across which a highway passes, or any other structure incidental thereto;

"road
improvement
area";

(e) "road improvement area" shall mean a road improvement area designated under this Act; and

"value".

(f) "value" shall mean assessed value of land, exclusive of the value of buildings, according to the last revised assessment roll of the municipality.

Application
of Act.

2. This Act shall apply to that part of Ontario which lies in the townships of King and West Gwillimbury and the village of Bradford, between the Holland River and the drainage canal which was constructed pursuant to *The Municipal Drainage Act* and forms part of what is commonly known as the Holland Marsh Drainage Scheme.

Rev. Stat.,
c. 278.

Road
improve-
ment area,—

3.—(1) On petition signed by at least two-thirds of the owners of all lots in the area defined in the petition representing at least one-half of the total value of all lots in the area, the

council of the municipality in which such area is situate may by by-law designate it as a road improvement area.

(2) A road improvement area may be enlarged by by-law ^{enlarge-}
of the council of the municipality in which such road improve-
ment area and any area proposed to be added thereto are
situate on petition signed by at least two-thirds of the owners
of all lots in the road improvement area and by at least two-
thirds of the owners of all lots in the area proposed to be
added representing together at least one-half of the total
value of all lots in the combined areas.

4.—(1) The council of a municipality in which a road ^{Special}
improvement area is situate may by by-law impose and levy ^{annual}
a special annual rate against every lot included therein and
such special rate shall be in addition to all other rates.

(2) The special rate shall not in any year exceed a rate of ^{amount of.}
five cents on the dollar of the value of the lots in the road
improvement area, but if in any year the proceeds of a rate
of five cents on the dollar are insufficient to provide the funds
required for that year, on petition signed by at least two-
thirds of the owners of all lots in the road improvement area
representing at least one-half of the total value of all lots in
the area, requesting that a stated higher rate be levied for
that year, the council may by by-law impose and levy such
higher rate.

(3) The provisions of *The Assessment Act* applicable to the ^{Application}
levying and collecting of local rates shall apply to a special ^{of Rev. Stat.,}
rate imposed and levied under this Act. c. 272.

5. The proceeds of the special rate shall be accounted for ^{Proceeds}
separately on the collector's roll, and such proceeds together ^{of special}
with any amount which the council may appropriate for that ^{rate.}
purpose out of the general rate and in the case of a township
the subsidy payable under this Act, shall be expended on the
construction, improvement or maintenance of roads within the
road improvement area, including the bridges leading thereto
which cross the drainage canal, and the approaches to such
bridges for a distance of one hundred feet from each end
thereof.

6. In the case of a township the work shall be carried out ^{Work in}
under the supervision of the township road superintendent ^{townships.}
and in accordance with the requirements of the Minister of
Highways and the expenditure thereon may be included in the
application for subsidy submitted to the Minister under *The*
Highway Improvement Act.

Rev. Stat..
c. 56.

Presentation
of petition.

7.—(1) A petition under this Act shall be lodged with the clerk, and shall be deemed to be presented to the council when it is so lodged.

Description
of lot.

(2) There shall be set out opposite every signature to the petition a description of the lot of which the petitioner is the owner.

Sufficiency
of petition.

8. The sufficiency of a petition shall be determined by the clerk and his determination shall be evidenced by his certificate and when so evidenced shall be final.

Withdrawal
of name.

9. No person may withdraw his name from, and no name shall be added to a petition after it has been lodged with the clerk.

Determining
value.

10. Where it is necessary to determine the value of any lot because the value cannot be ascertained from the assessment roll by reason of the lot not having been separately assessed, or for any other reason, the clerk shall determine the value thereof and such determination shall be final.

Proof of
ownership.

11. Where it is proven to the satisfaction of the clerk that any person whose name does not appear on the last revised assessment roll of the municipality as the owner of a lot is in fact the owner thereof, such person shall for the purposes of this Act be deemed the owner thereof in the place and stead of the person whose name so appears.

Joint
owners.

12. Where the names of two or more persons appear on the last revised assessment roll as the owners of any lot, unless each of such persons appears as the owner of a defined part of the lot, they shall for the purposes of determining the sufficiency of a petition be considered as one owner only and shall not be counted as a petitioner unless a majority of them have signed the petition.

Owner
assessed
for more
than one
lot.

13. Where an owner is assessed for more than one lot within the area defined in the petition, in determining the sufficiency of such petition, such owner shall be reckoned as one only but shall represent the value of all such lots.

Investiga-
tion of
complaint.

14.—(1) Where prior to the certification of a petition by the clerk any person lodges with the clerk an affidavit deposing that his signature to such petition has been obtained by fraud, duress or misrepresentation the judge of the county court of the county in which the municipality is situate shall investigate the complaint and the clerk shall not certify such petition until the judge has made his finding.

Effect of
finding.

(2) Where the judge finds that the signature of any person has been obtained by fraud, duress or misrepresentation such person shall not be counted as a petitioner.

(3) For the purpose of any investigation under this section ^{Evidence.} the judge may summon any person and require him to give evidence on oath and to produce such documents and things as the judge deems requisite and the judge shall have the same power to enforce the attendance of witnesses and to compel them to give evidence and produce documents and things as is vested in any court in civil cases.

15.—(1) Where any embankment or dyke constructed pursuant to the provisions of *The Municipal Drainage Act* ^{Embankment or dyke forming part of road.} as part of the Holland Marsh Drainage Scheme forms part of a road under the jurisdiction of a municipality such municipality may enter into an agreement with the other municipalities ^{Rev. Stat., c. 278.} liable to contribute any portion of the cost of maintenance of the drainage scheme to determine what proportion of any expenditure to be made on the embankment or dyke shall be chargeable to road improvement and what proportion shall be chargeable to maintenance of the drainage scheme.

(2) If the municipalities are unable to agree as to what ^{Failure to agree.} proportion of any expenditure to be made on the embankment or dyke shall be chargeable to road improvement and what proportion shall be chargeable to maintenance of the drainage scheme, any of the municipalities may require that the proportions so chargeable shall be determined by arbitration by serving notice in writing of such requirement upon the clerks of the other municipalities.

(3) The arbitrator shall be a professional engineer engaged ^{Arbitrator.} in private practice agreed upon by the parties to the arbitration and where the parties are unable to agree upon the choice of an arbitrator the Minister of Highways may appoint the arbitrator but the fees and expenses of any arbitrator so appointed shall be borne by the municipalities.

(4) The decision of the arbitrator shall be final and there ^{Decision final.} shall be no appeal therefrom.

16. This Act shall come into force on the day upon which ^{Commencement of Act.} it receives the Royal Assent.

17. This Act may be cited as *The Holland Marsh Roads Act, 1944.* ^{Short title.}

The Holland Marsh Roads Act, 1944.

1st Reading

February 24th, 1944

2nd Reading

February 28th, 1944

3rd Reading

March 3rd, 1944

MR. DOUCETT

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Rural Power District Service Charge Act.

MR. CHALLIES



BILL

An Act to amend The Rural Power District Service Charge Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 66, s. 1
(1938,
c. 33, s. 2)
amended.

1. Section 1 of *The Rural Power District Service Charge Act* as re-enacted by section 2 of *The Rural Power District Service Charge Amendment Act, 1938*, is amended by adding thereto the words "and may from time to time reduce or wholly remove any service charge previously fixed", so that the said section shall now read as follows:

Fixing or
altering
maximum
service
charge,
etc.

1. Notwithstanding anything contained in any Statute or municipal by-law or contract, the Lieutenant-Governor in Council, upon the recommendation of The Hydro-Electric Power Commission of Ontario, may from time to time make regulations fixing a maximum service charge for any class of service rendered by the Commission in a rural power district and also fixing the minimum number of consumers of different classes per mile of transmission line required for construction of works by the Commission in a rural power district or part thereof and may from time to time reduce or wholly remove any service charge previously fixed.

Rev. Stat.,
c. 66, s. 2,
subs. 1
(1938,
c. 33, s. 3),
re-enacted.

2.—(1) Subsection 1 of section 2 of *The Rural Power District Service Charge Act* as re-enacted by section 3 of *The Rural Power District Service Charge Amendment Act, 1938*, is repealed and the following substituted therefor:

Where
deficit
arises.

- (1) Where in any rural power district by reason of such maximum service charge having been fixed, reduced or removed or such minimum number of consumers having been fixed pursuant to section 1, the revenue derived by the Commission for any class of service rendered by it in the rural power district is not sufficient to meet the necessary cost of the service

EXPLANATORY NOTES

SECTION 1. Section 1 is amended by adding a provision authorizing the reduction or removal of service charges previously fixed.

SECTION 2—Subsection 1. Subsection 1 of section 2, as re-enacted, is enlarged to include deficits arising from reduction or removal of service charges as well as the deficits formerly covered by the subsection.

as specified by the Commission, the deficit shall be chargeable to and payable out of the Consolidated Revenue Fund.

Rev. Stat.,
c. 66, s. 2,
subs. 3,
repealed.

(2) Subsection 3 of the said section 2 is repealed.

Short title.

3. This Act may be cited as *The Rural Power District Service Charge Amendment Act, 1944.*

Subsection 2. The provision requiring the maximum service charge to be continued so long as a deficit exists in a rural power district, is repealed.



An Act to amend The Rural Power
District Service Charge Act.

1st Reading

February 28th, 1944

2nd Reading

3rd Reading

MR. CHALLIES

No. 38

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Rural Power District Service Charge Act.

MR. CHALLIES

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Rural Power District Service Charge Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 66, s. 1
(1938,
c. 33, s. 2)
amended.

1. Section 1 of *The Rural Power District Service Charge Act* as re-enacted by section 2 of *The Rural Power District Service Charge Amendment Act, 1938*, is amended by adding thereto the words "and may from time to time reduce or wholly remove any service charge previously fixed", so that the said section shall now read as follows:

Fixing or
altering
maximum
service
charge,
etc.

1. Notwithstanding anything contained in any Statute or municipal by-law or contract, the Lieutenant-Governor in Council, upon the recommendation of The Hydro-Electric Power Commission of Ontario, may from time to time make regulations fixing a maximum service charge for any class of service rendered by the Commission in a rural power district and also fixing the minimum number of consumers of different classes per mile of transmission line required for construction of works by the Commission in a rural power district or part thereof and may from time to time reduce or wholly remove any service charge previously fixed.

Rev. Stat.,
c. 66, s. 2,
subs. 1
(1938,
c. 33, s. 3),
re-enacted.

2.—(1) Subsection 1 of section 2 of *The Rural Power District Service Charge Act* as re-enacted by section 3 of *The Rural Power District Service Charge Amendment Act, 1938*, is repealed and the following substituted therefor:

Where
deficit
arises.

(1) Where in any rural power district by reason of such maximum service charge having been fixed, reduced or removed or such minimum number of consumers having been fixed pursuant to section 1, the revenue derived by the Commission for any class of service rendered by it in the rural power district is not sufficient to meet the necessary cost of the service

as specified by the Commission, the deficit shall be chargeable to and payable out of the Consolidated Revenue Fund.

(2) Subsection 3 of the said section 2 is repealed.

Rev. Stat.,
c. 66, s. 2,
subs. 3,
repealed.

3. This Act may be cited as *The Rural Power District Service Charge Amendment Act, 1944*. Short title.

An Act to amend The Rural Power
District Service Charge Act.

1st Reading

February 28th, 1944

2nd Reading

March 7th, 1944

3rd Reading

March 9th, 1944

MR. CHALLIES

No. 39

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act respecting the Department of Planning and Development.

MR. DREW

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the Department of Planning and Development.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpre-
tation,—

1. In this Act,—

"Depart-
ment";

(a) "Department" shall mean Department of Planning and Development;

"Minister".

(b) "Minister" shall mean Minister of Planning and Development.

Department
of Planning
and
Develop-
ment.

2. There shall be a department of the public service of Ontario to be known as the Department of Planning and Development over which the Minister shall preside and have charge.

Duties of
Minister.

3. The Minister shall collaborate with the Ministers having charge of the other departments of the public service of Ontario, with the Ministers having charge of the departments of the public service of the Dominion and of other provinces, with municipal councils, with agricultural, industrial, labour, mining, trade and other associations and organizations and with public and private enterprises with a view to formulating plans to create, assist, develop and maintain productive employment and to develop the human and material resources of the Province and to that end shall co-ordinate the work and functions of the departments of the public service of Ontario.

Responsi-
bility of
Minister.

4. The Minister shall be responsible for the administration of such Acts and regulations made thereunder as may be assigned to him by the provisions thereof or by the Lieutenant-Governor in Council.

Expenses
of Depart-
ment.

5. The expenses of the Department in carrying out its objects shall be paid out of such moneys as may be appropriated therefor by the Legislature.

EXPLANATORY NOTE

The Bill provides for the establishment of the Department of Planning and Development. Each of the sections is self-explanatory.

Inquiries.

6.—(1) The Minister may appoint any person or persons to inquire into any matter relating to the scheme and purpose of this Act and to collect such information and make such report as he deems advisable.

Powers of person holding inquiry.

(2) Any person or persons appointed to inquiry into any matter under subsection 1 shall have the power to summon any person and to require him to give evidence on oath and to produce such documents and things as may be requisite, and the person or persons so appointed shall have the same power to enforce the attendance of witnesses and to compel them to give evidence and produce documents and things as is vested in any court in civil cases.

Commencement of Act.

7. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

8. This Act may be cited as *The Department of Planning and Development Act, 1944*.



Bill,
An Act respecting the Department of
Planning and Development.

1st Reading

February 28th, 1944

2nd Reading

3rd Reading

MR. DREW

No. 39

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act respecting the Department of Planning and Development.

MR. DREW

BILL

An Act respecting the Department of Planning and Development.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpre-
tation,—

1. In this Act,—

"Depart-
ment";

(a) "Department" shall mean Department of Planning and Development;

"Minister".

(b) "Minister" shall mean Minister of Planning and Development.

Department
of Planning
and
Develop-
ment.

2. There shall be a department of the public service of Ontario to be known as the Department of Planning and Development over which the Minister shall preside and have charge.

Duties of
Minister.

3. The Minister shall collaborate with the Ministers having charge of the other departments of the public service of Ontario, with the Ministers having charge of the departments of the public service of the Dominion and of other provinces, with municipal councils, with agricultural, industrial, labour, mining, trade and other associations and organizations and with public and private enterprises with a view to formulating plans to create, assist, develop and maintain productive employment and to develop the human and material resources of the Province and to that end shall co-ordinate the work and functions of the departments of the public service of Ontario.

Responsi-
bility of
Minister.

4. The Minister shall be responsible for the administration of such Acts and regulations made thereunder as may be assigned to him by the provisions thereof or by the Lieutenant-Governor in Council.

Expenses
of Depart-
ment.

5. The expenses of the Department in carrying out its objects shall be paid out of such moneys as may be appropriated therefor by the Legislature.

6.—(1) The Minister may appoint any person or persons ^{Inquiries.} to inquire into any matter relating to the scheme and purpose of this Act and to collect such information and make such report as he deems advisable.

(2) Any person or persons appointed to inquire into any ^{Powers of person holding inquiry.} matter under subsection 1 shall have the power to summon any person and to require him to give evidence on oath and to produce such documents and things as may be requisite, and the person or persons so appointed shall have the same power to enforce the attendance of witnesses and to compel them to give evidence and produce documents and things as is vested in any court in civil cases.

7. This Act shall come into force on the day upon which it ^{Commencement of Act.} receives the Royal Assent.

8. This Act may be cited as *The Department of Planning and Development Act, 1944.* ^{Short title.}

An Act respecting the Department of
Planning and Development.

1st Reading

February 28th, 1944

2nd Reading

March 1st, 1944

3rd Reading

March 3rd, 1944

MR. DREW

No. 40

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Executive Council Act.

MR. DREW

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Executive Council Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 14, s. 2,
amended.

1. Section 2 of *The Executive Council Act* is amended by inserting after the word "Affairs" in the ninth line the words "a Minister of Planning and Development", so that the said section shall now read as follows:

Heads of
department.

2. The Lieutenant-Governor may appoint under the Great Seal from among the Ministers of the Crown the following Ministers to hold office during pleasure: a President of the Council, an Attorney-General, a Secretary and Registrar, a Treasurer, a Minister of Lands and Forests, a Minister of Mines, a Minister of Agriculture, a Minister of Public Works, a Minister of Highways, a Minister of Education, a Minister of Labour, a Minister of Health, a Minister of Public Welfare, a Minister of Municipal Affairs, a Minister of Planning and Development, and such other Ministers as he may see fit, and may by Order-in-Council prescribe their duties and the duties of the several departments over which they preside, and of the officers and clerks thereof.

Commence-
ment of Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

3. This Act may be cited as *The Executive Council Amendment Act, 1944*.

EXPLANATORY NOTE

This Bill is complementary to Bill No. 39, An Act respecting the Department of Planning and Development.

Council Act.

1st Reading

February 28th, 1944

2nd Reading

3rd Reading

MR. DREW

No. 40

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Executive Council Act.

MR. DREW

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



BILL

An Act to amend The Executive Council Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 14, s. 2,
amended.

1. Section 2 of *The Executive Council Act* is amended by inserting after the word "Affairs" in the ninth line the words "a Minister of Planning and Development", so that the said section shall now read as follows:

Heads of
department.

2. The Lieutenant-Governor may appoint under the Great Seal from among the Ministers of the Crown the following Ministers to hold office during pleasure: a President of the Council, an Attorney-General, a Secretary and Registrar, a Treasurer, a Minister of Lands and Forests, a Minister of Mines, a Minister of Agriculture, a Minister of Public Works, a Minister of Highways, a Minister of Education, a Minister of Labour, a Minister of Health, a Minister of Public Welfare, a Minister of Municipal Affairs, a Minister of Planning and Development, and such other Ministers as he may see fit, and may by Order-in-Council prescribe their duties and the duties of the several departments over which they preside, and of the officers and clerks thereof.

Commence-
ment of Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

3. This Act may be cited as *The Executive Council Amendment Act, 1944*.

An Act to amend The Executive
Council Act.

1st Reading

February 28th, 1944

2nd Reading

March 1st, 1944

3rd Reading

March 3rd, 1944

MR. DREW

No. 41

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

Act to provide for the Central Filing and Publication of Regulations.

MR. BLACKWELL

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to provide for the Central Filing and Publication of Regulations.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpre-
tation,—

1. In this Act,—

- | | |
|---------------|---|
| “file”; | (a) “file” shall mean file in the manner prescribed in section 2; |
| “Minister”; | (b) “Minister” shall mean the member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant-Governor in Council; |
| “publish”; | (c) “publish” shall mean publish in the manner prescribed in section 3; |
| “Registrar”; | (d) “Registrar” shall mean Registrar of Regulations; and |
| “regulation”. | (e) “regulation” shall mean any regulation, rule, order or by-law of a legislative nature made or approved under the provisions of any Act of this Legislature by the Lieutenant-Governor in Council, a Minister of the Crown, a department of the public service, an official of the government or a board or commission the members of which are appointed by the Lieutenant-Governor in Council. |

Filing
required.

2.—(1) Every regulation shall be filed in duplicate with the Registrar together with a certificate in duplicate of the making thereof signed by the authority making the regulation or a responsible officer thereof and, where approval is required, with a certificate in duplicate of approval signed by the authority so approving or by a responsible officer thereof.

Copy from
Executive
Council.

(2) Where a regulation is made or approved by the Lieutenant-Governor in Council, the filing with the Registrar of two copies thereof certified to be true copies by the Clerk of the Executive Council shall be deemed to be compliance with subsection 1.

EXPLANATORY NOTES

GENERAL

The purpose of the Bill is to require the filing in a central office of all regulations as defined in clause *e* of section 1 and the publication in the *Ontario Gazette* of all such regulations.

SECTION 2. Every regulation, duly certified, shall be filed in duplicate with the Registrar of Regulations. Where a regulation is filed with the Clerk of the Executive Council, the filing of duly certified copies with the Registrar of Regulations will suffice. A regulation shall not come into force or have effect before it is filed and a regulation which is not filed is ineffective.

Commence-
ment.

(3) Unless otherwise stated therein a regulation shall come into force and have effect on and after the day upon which it is filed and a regulation shall in no case come into force or have effect before the day of filing.

Failure
to file.

(4) Notwithstanding any other Act, a regulation which is not filed shall have no effect.

Publication.

3.—(1) Every regulation shall, within one month of the filing thereof, be published in the *Ontario Gazette*.

Extension
of time for
publication.

(2) The Minister may at any time, by order, extend the time for publication of a regulation and such order shall be published with the regulation.

Effect of
non-publi-
cation.

(3) A regulation which is not published shall not be valid as against a person who has not had actual notice thereof.

Effect of
publication.

(4) Publication of a regulation shall,—

(a) be *prime facie* evidence of the text of the regulation and of the making, approval where required, and filing thereof; and

(b) be deemed to be notice of the contents thereof to every person subject thereto or affected thereby,

and a published regulation shall be judicially noticed.

Powers of
Minister.

4. The Minister may,—

(a) determine whether any regulation, rule, order or by-law is a regulation within the meaning of this Act and his decision shall be final;

(b) determine who shall be deemed responsible officers within the meaning of section 2; and

(c) determine any matter which may arise in connection with the administration of this Act.

Registrar.

5. There shall be a Registrar of Regulations appointed by the Lieutenant-Governor in Council who shall,—

(a) be responsible for the numbering and indexing of all regulations filed with him and for the publication thereof; and

(b) exercise such powers and perform such duties as may be vested in or imposed upon him by this Act, the regulations passed hereunder, or the Minister.

SECTION 3. Regulations shall be published in the *Ontario Gazette* within a month after filing but the Minister may extend the time for publication. An unpublished regulation is not effective against a person who has not had actual notice thereof. Publication of a regulation raises presumptions that it has been made and filed and publication is deemed to be notice to everyone who is subject to the regulation.

SECTION 4. The powers and duties of the Minister which are necessary for the due administration of the Act are prescribed.

SECTION 5. The appointment of the Registrar of Regulations is provided for and his duties are prescribed.

Numbering. **6.**—(1) Regulations or amendments thereto shall be numbered in the order in which they are filed, and a new series shall be commenced in each calendar year.

Citation. (2) Regulations may be cited and referred to by the expression "Ontario Regulations" or "O. Reg." followed by the number thereof, a vertical stroke and the last two figures of the calendar year of the filing thereof.

Regulations. **7.**—(1) Subject to the approval of the Lieutenant-Governor in Council, the Minister may make regulations,—

- (a) prescribing the powers and duties of the Registrar;
- (b) prescribing the form, arrangement and scheme of regulations;
- (c) prescribing a system of indexing;
- (d) providing for the preparation and publication of a consolidation or codification of regulations which have been filed, and for the preparation and publication of supplements thereto; and
- (e) generally for the better carrying out of the provisions of this Act.

Consolidation, codification. (2) Publication of a regulation in a consolidation or codification or supplement thereto shall be deemed publication within the meaning of this Act.

Regulations heretofore passed. **8.**—(1) Notwithstanding the provisions of this Act, every regulation made prior to the date of the coming into force of this Act shall continue in force and effect until the 31st day of December, 1944, but every such regulation shall be filed on or before the 31st day of December, 1944, and the provisions of this Act shall apply, *mutatis mutandis*, thereto.

Pending legal proceedings. (2) This section shall not affect any legal proceeding which is commenced prior to the 31st day of December, 1944.

Defects not corrected. **9.** The filing or publication of a regulation under this Act shall not have the effect of validating or correcting any such regulations which is otherwise invalid or defective in any respect or for any reason.

Commencement of Act. **10.** This Act shall come into force on the 1st day of July, 1944.

Short title. **11.** This Act may be cited as *The Regulations Act, 1944*.

SECTION 6. The system of numbering and manner of referring to regulations is prescribed.

SECTION 7. In providing for the making of regulations which may be necessary for the due administration of the Act, provision is made for the preparation and publication of consolidations or codifications of regulations.

SECTION 8. The Act is made to apply to existing regulations, which are required to be filed on or before December 31st, 1944, but legal proceedings commenced before that date would not be affected by the operation of the Act.

SECTION 9. Filing and publication under this Act does not validate a regulation which is otherwise invalid or defective.

SECTION 10. The first day of July, 1944, is named as the date of the commencement of the Act.

An Act to provide for the Central Filing
and Publication of Regulations.

1st Reading

February 29th, 1944

2nd Reading

3rd Reading

MR. BLACKWELL

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

n Act to provide for the Central Filing and Publication of Regulations.

MR. BLACKWELL

(Reprinted as amended in Committee of the Whole House.)

BILL

An Act to provide for the Central Filing and Publication of Regulations.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpre-
tation,—

1. In this Act,—

- | | |
|---------------|---|
| “file”; | (a) “file” shall mean file in the manner prescribed in section 2; |
| “Minister”; | (b) “Minister” shall mean the member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant-Governor in Council; |
| “publish”; | (c) “publish” shall mean publish in the manner prescribed in section 3; |
| “Registrar”; | (d) “Registrar” shall mean Registrar of Regulations; and |
| “regulation”. | (e) “regulation” shall mean any regulation, rule, order or by-law of a legislative nature made or approved under the provisions of any Act of this Legislature by the Lieutenant-Governor in Council, a Minister of the Crown, a department of the public service, an official of the government or a board or commission <u>all the members of which are appointed by the Lieutenant-Governor in Council, but shall not include a by-law of a municipality or local board, as defined in <i>The Department of Municipal Affairs Act.</i></u> |

Filing
required.

2.—(1) Every regulation shall be filed in duplicate with the Registrar together with a certificate in duplicate of the making thereof signed by the authority making the regulation or a responsible officer thereof and, where approval is required, with a certificate in duplicate of approval signed by the authority so approving or by a responsible officer thereof.

Copy from
Executive
Council.

(2) Where a regulation is made or approved by the Lieutenant-Governor in Council, the filing with the Registrar of two copies thereof certified to be true copies by the Clerk of the Executive Council shall be deemed to be compliance with subsection 1.

EXPLANATORY NOTES

GENERAL

The purpose of the Bill is to require the filing in a central office of all regulations as defined in clause *e* of section 1 and the publication in the *Ontario Gazette* of all such regulations.

SECTION 2. Every regulation, duly certified, shall be filed in duplicate with the Registrar of Regulations. Where a regulation is filed with the Clerk of the Executive Council, the filing of duly certified copies with the Registrar of Regulations will suffice. A regulation shall not come into force or have effect before it is filed and a regulation which is not filed is ineffective.

Commencement. (3) Unless otherwise stated therein a regulation shall come into force and have effect on and after the day upon which it is filed and a regulation shall in no case come into force or have effect before the day of filing.

Failure to file. (4) Notwithstanding any other Act, a regulation which is not filed shall have no effect.

Publication. **3.**—(1) Every regulation shall, within one month of the filing thereof, be published in the *Ontario Gazette*.

Extension of time for publication. (2) The Minister may at any time, by order, extend the time for publication of a regulation and such order shall be published with the regulation.

Effect of non-publication. (3) A regulation which is not published shall not be valid as against a person who has not had actual notice thereof.

Effect of publication. (4) Publication of a regulation shall,—
(a) be *prime facie* evidence of the text of the regulation and of the making, approval where required, and filing thereof; and
(b) be deemed to be notice of the contents thereof to every person subject thereto or affected thereby,
and a published regulation shall be judicially noticed.

Powers of Minister. **4.** The Minister may,—
(a) determine whether any regulation, rule, order or by-law is a regulation within the meaning of this Act and his decision shall be final;
(b) determine who shall be deemed responsible officers within the meaning of section 2; and
(c) determine any matter which may arise in connection with the administration of this Act.

Registrar. **5.** There shall be a Registrar of Regulations appointed by the Lieutenant-Governor in Council who shall,—

- (a) be responsible for the numbering and indexing of all regulations filed with him and for the publication thereof; and
- (b) exercise such powers and perform such duties as may be vested in or imposed upon him by this Act, the regulations passed hereunder, or the Minister.

SECTION 3. Regulations shall be published in the *Ontario Gazette* within a month after filing but the Minister may extend the time for publication. An unpublished regulation is not effective against a person who has not had actual notice thereof. Publication of a regulation raises presumptions that it has been made and filed and publication is deemed to be notice to everyone who is subject to the regulation.

SECTION 4. The powers and duties of the Minister which are necessary for the due administration of the Act are prescribed.

SECTION 5. The appointment of the Registrar of Regulations is provided for and his duties are prescribed.

Numbering. **6.**—(1) Regulations or amendments thereto shall be numbered in the order in which they are filed, and a new series shall be commenced in each calendar year.

Citation. (2) Regulations may be cited and referred to by the expression "Ontario Regulations" or "O. Reg." followed by the number thereof, a vertical stroke and the last two figures of the calendar year of the filing thereof.

Regulations. **7.**—(1) Subject to the approval of the Lieutenant-Governor in Council, the Minister may make regulations,—

- (a) prescribing the powers and duties of the Registrar;
- (b) prescribing the form, arrangement and scheme of regulations;
- (c) prescribing a system of indexing;
- (d) providing for the preparation and publication of a consolidation or codification of regulations which have been filed and for the preparation and publication of supplements thereto; and
- (e) generally for the better carrying out of the provisions of this Act.

Consolidation, codification. (2) Publication of a regulation in a consolidation or codification or supplement thereto shall be deemed publication within the meaning of this Act.

Regulations heretofore passed. **8.**—(1) Notwithstanding the provisions of this Act, every regulation made prior to the date of the coming into force of this Act shall continue in force and effect until the 31st day of December, 1944, but every such regulation shall be filed on or before the 31st day of December, 1944, and the provisions of this Act shall apply, *mutatis mutandis*, thereto.

Pending legal proceedings. (2) This section shall not affect any legal proceeding which is commenced prior to the 31st day of December, 1944.

Defects not corrected. **9.** The filing or publication of a regulation under this Act shall not have the effect of validating or correcting any such regulations which is otherwise invalid or defective in any respect or for any reason.

Commencement of Act. **10.** This Act shall come into force on the 1st day of July, 1944.

Short title. **11.** This Act may be cited as *The Regulations Act, 1944*.

SECTION 6. The system of numbering and manner of referring to regulations is prescribed.

SECTION 7. In providing for the making of regulations which may be necessary for the due administration of the Act, provision is made for the preparation and publication of consolidations or codifications of regulations.

SECTION 8. The Act is made to apply to existing regulations, which are required to be filed on or before December 31st, 1944, but legal proceedings commenced before that date would not be affected by the operation of the Act.

SECTION 9. Filing and publication under this Act does not validate a regulation which is otherwise invalid or defective.

SECTION 10. The first day of July, 1944, is named as the date of the commencement of the Act.

An Act to provide for the Central Filing
and Publication of Regulations.

1st Reading

February 29th, 1944

2nd Reading

March 1st, 1944

3rd Reading

MR. BLACKWELL

(Reprinted as amended in Committee of the
Whole House.)

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to provide for the Central Filing and Publication of Regulations.

MR. BLACKWELL

TORONTO

PRINTED BY T. E. BOWMAN

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to provide for the Central Filing and Publication of Regulations.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpre-
tation,—

1. In this Act,—

“file”;

(a) “file” shall mean file in the manner prescribed in section 2;

“Minister”;

(b) “Minister” shall mean the member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant-Governor in Council;

“publish”;

(c) “publish” shall mean publish in the manner prescribed in section 3;

“Registrar”;

(d) “Registrar” shall mean Registrar of Regulations; and

“regulation”.

(e) “regulation” shall mean any regulation, rule, order or by-law of a legislative nature made or approved under the provisions of any Act of this Legislature by the Lieutenant-Governor in Council, a Minister of the Crown, a department of the public service, an official of the government or a board or commission all the members of which are appointed by the Lieutenant-Governor in Council, but shall not include a by-law of a municipality or local board, as defined in *The Department of Municipal Affairs Act*.

Filing
required.

2.—(1) Every regulation shall be filed in duplicate with the Registrar together with a certificate in duplicate of the making thereof signed by the authority making the regulation or a responsible officer thereof and, where approval is required, with a certificate in duplicate of approval signed by the authority so approving or by a responsible officer thereof.

Copy from
Executive
Council.

(2) Where a regulation is made or approved by the Lieutenant-Governor in Council, the filing with the Registrar of two copies thereof certified to be true copies by the Clerk of the Executive Council shall be deemed to be compliance with subsection 1.

(3) Unless otherwise stated therein a regulation shall come into force and have effect on and after the day upon which it is filed and a regulation shall in no case come into force or have effect before the day of filing. <sup>Commence-
ment.</sup>

(4) Notwithstanding any other Act, a regulation which is not filed shall have no effect. <sup>Failure
to file.</sup>

3.—(1) Every regulation shall, within one month of the filing thereof, be published in the *Ontario Gazette*. ^{Publication.}

(2) The Minister may at any time, by order, extend the time for publication of a regulation and such order shall be published with the regulation. <sup>Extension
of time for
publication.</sup>

(3) A regulation which is not published shall not be valid as against a person who has not had actual notice thereof. <sup>Effect of
non-publica-
tion.</sup>

(4) Publication of a regulation shall,— <sup>Effect of
publication.</sup>

(a) be *prime facie* evidence of the text of the regulation and of the making, approval where required, and filing thereof; and

(b) be deemed to be notice of the contents thereof to every person subject thereto or affected thereby,

and a published regulation shall be judicially noticed.

4. The Minister may,— <sup>Powers of
Minister.</sup>

(a) determine whether any regulation, rule, order or by-law is a regulation within the meaning of this Act and his decision shall be final;

(b) determine who shall be deemed responsible officers within the meaning of section 2; and

(c) determine any matter which may arise in connection with the administration of this Act.

5. There shall be a Registrar of Regulations appointed by the Lieutenant-Governor in Council who shall,— ^{Registrar.}

(a) be responsible for the numbering and indexing of all regulations filed with him and for the publication thereof; and

(b) exercise such powers and perform such duties as may be vested in or imposed upon him by this Act, the regulations passed hereunder, or the Minister.

Numbering. **6.—**(1) Regulations or amendments thereto shall be numbered in the order in which they are filed, and a new series shall be commenced in each calendar year.

Citation. (2) Regulations may be cited and referred to by the expression "Ontario Regulations" or "O. Reg." followed by the number thereof, a vertical stroke and the last two figures of the calendar year of the filing thereof.

Regulations. **7.—**(1) Subject to the approval of the Lieutenant-Governor in Council, the Minister may make regulations,—

- (a) prescribing the powers and duties of the Registrar;
- (b) prescribing the form, arrangement and scheme of regulations;
- (c) prescribing a system of indexing;
- (d) providing for the preparation and publication of a consolidation or codification of regulations which have been filed and for the preparation and publication of supplements thereto; and
- (e) generally for the better carrying out of the provisions of this Act.

Consolidation, codification. (2) Publication of a regulation in a consolidation or codification or supplement thereto shall be deemed publication within the meaning of this Act.

Regulations heretofore passed. **8.—**(1) Notwithstanding the provisions of this Act, every regulation made prior to the date of the coming into force of this Act shall continue in force and effect until the 31st day of December, 1944, but every such regulation shall be filed on or before the 31st day of December, 1944, and the provisions of this Act shall apply, *mutatis mutandis*, thereto.

Pending legal proceedings. (2) This section shall not affect any legal proceeding which is commenced prior to the 31st day of December, 1944.

Defects not corrected. **9.** The filing or publication of a regulation under this Act shall not have the effect of validating or correcting any such regulations which is otherwise invalid or defective in any respect or for any reason.

Commencement of Act. **10.** This Act shall come into force on the 1st day of July, 1944.

Short title. **11.** This Act may be cited as *The Regulations Act, 1944*.



An Act to provide for the Central Filing
and Publication of Regulations.

1st Reading

February 29th, 1944

2nd Reading

March 1st, 1944

3rd Reading

March 3rd, 1944

MR. BLACKWELL.

No. 42

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Power Commission Act.

MR. CHALLIES

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Power Commission Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 62, s. 1,
amended.

1. Section 1 of *The Power Commission Act* is amended by adding thereto the following clause:

"Advisory
Council".

(aa) "Advisory Council" shall mean The Ontario Hydro-Electric Advisory Council.

Rev. Stat.,
c. 62,
amended.

2. *The Power Commission Act* is amended by adding thereto the following section:

Advisory
Council:

6a.—(1) There shall be an advisory council to be known as The Ontario Hydro-Electric Advisory Council which shall consist of five members appointed by the Lieutenant-Governor in Council each of whom shall hold office for two years from the date of his appointment or such other period as the Lieutenant-Governor in Council may prescribe and every such member shall be eligible for re-appointment.

Presiding
officer.

(2) The members of the Advisory Council shall elect from amongst themselves a presiding officer whose term of office shall be one year, and who shall be eligible for re-election.

Meetings.

(3) The Advisory Council shall meet on the call of its presiding officer on three days' written notice, and also whenever requested to do so by the Commission on similar notice.

Reports.

(4) The Advisory Council shall make a report for the consideration and assistance of the Commission upon every matter submitted to the Advisory Council by the Commission and upon any matter relative to the purposes of the Commission upon which the members of the Advisory Council deem it advisable to report.

EXPLANATORY NOTES

SECTION 1. A definition of "Advisory Council" is added to the definitions contained in Section 1.

SECTION 2. The new section authorizes the establishment of an Advisory Council and prescribes the membership and duties thereof.

Remuneration.

- (5) The members of the Advisory Council shall be paid such per diem allowance and travelling expenses as the Lieutenant-Governor in Council shall from time to time decide.

Assistance.

- (6) The Commission may provide the Advisory Council with such professional, technical, secretarial and other assistance as the Commission may see fit, and the cost thereof shall be deemed to be part of the administration expenses of the Commission.

Unqualified persons.

- (7) No senator or member of the House of Commons of the Parliament of Canada, and no member of the Legislative Assembly of Ontario, and no person not entitled to vote at the election of members of the Legislative Assembly of Ontario shall be eligible to be a member of the Advisory Council.

Termination of appointment.

- (8) The Lieutenant-Governor in Council may terminate the appointment of any member who in his opinion has become unfit to continue in office or is incapable of performing his duties.

Council may act notwithstanding vacancy.

- (9) The Advisory Council may act notwithstanding any vacancy in its membership and three members shall constitute a quorum at any meeting.

Rev. Stat., c. 62, s. 33a, (1939, c. 35, s. 2) re-enacted.

3. Section 33a of *The Power Commission Act* as enacted by section 2 of *The Power Commission Amendment Act, 1939*, is repealed and the following substituted therefor:

Ownership of works retained.

- 33a.—(1) Notwithstanding anything in this Act or any other general or special Act, where works of the Commission have been affixed to realty they shall remain subject to the rights of the Commission as fully as they were before being so affixed and shall not become part of the realty unless otherwise agreed by the Commission in writing.

Affixing signs on property prohibited.

- (2) Any person who without the consent of the Commission nails or otherwise attaches anything, or causes anything to be nailed or otherwise attached to or upon any property of the Commission shall incur a penalty of not less than \$5 or more than \$10.

Recovery of penalties.

- (3) The penalties imposed by or under subsection 2 shall be recoverable under *The Summary Convictions Act* and shall be paid over to the Commission.

Rev. Stat., c. 136.

Rev. Stat., c. 62, s. 87, subs. 12, amended.

4. Subsection 12 of section 87 of *The Power Commission Act* is amended by striking out the word "approved" in the second line and inserting in lieu thereof the word "proved".

SECTION 3. Section 33a as enacted in 1939, is clarified and is also amended by the addition of a subsection which provides a penalty for attaching anything to Commission property without its consent.

SECTION 4. This amendment corrects a clerical error.

Rev. Stat.,
c. 62, s. 96,
subs. 1,
re-enacted.

5.—(1) Subsection 1 of section 96 of *The Power Commission Act* is repealed and the following substituted therefor:

When
accounts of
corporation
show a
surplus.

- (1) Whenever it appears from the accounts of a municipal corporation or municipal commission that after providing for any payments required to be made on account of principal or interest of any debentures issued for the construction and equipment of works for the production, development or distribution of electrical power or energy, and in the case of a municipal corporation or municipal commission receiving electrical power or energy from the Commission for distribution, after providing for the payments required by this Act, there is a surplus at the credit of the municipal corporation or municipal commission derived from the production, development or distribution of electrical power or energy or from dealing in electrical fittings, fixtures, appliances, machines or equipment, such surplus shall be applied and disposed of in such manner as the Commission may by general regulation or special order direct,—

In repay-
ment to
customers.

- (a) in repaying to persons to whom electrical power or energy is being supplied by such municipal corporation or municipal commission moneys paid by them for electrical power or energy so supplied, such repayment being made either directly or by a credit on or reduction in bills for electrical power or energy; or

In reduction
of indebted-
ness.

- (b) in the reduction of any indebtedness incurred with respect to the construction and equipment of such works; or

In erection
of office
buildings,
etc.

- (c) In purchasing or otherwise acquiring a site and erecting thereon buildings for the occupation and use of the municipal commission as offices and for other business purposes, subject to the approval by the Commission of the site and cost of the plans of any such building and subject to such approval, any such office building may be larger than is required for the immediate use of the municipal commission, and any part of such building not immediately required for the use of the municipal commission may be leased by it to the corporation or to any other municipal commission for the purposes of any public utility in the municipality; or

Larger
buildings
than re-
quired,—
leasing
part for
other
utilities.

SECTION 5—*Subsection 1.* Subsection 1 of section 96 as re-enacted corrects an inadvertency which gave the Ontario Commission a power of disposition over surpluses of municipal corporations not derived from electric utilities and provides for the disposal of surpluses which have been derived from the production, development or distribution of electrical power or energy or from dealing in electrical fittings, fixtures, appliances, machines or equipment.

(d) in the maintenance, repair or renewal thereof; or

In maintain-
ing, repair-
ing and
extending
works.

(e) in the extension of such works; or

(f) in the formation of a fund to be used at a future time for any of such purposes; or

To general
purposes of
municipal
corporation.

(g) to the extent to which such surplus is derived from the supply of electrical power or energy for the public buildings of the corporation or the lighting of the streets of the municipality or for the operation of any street railway or electric railway or any public utility owned and operated by the corporation, by payment over of such surplus, or of such portion thereof as the Commission may deem proper, to the treasurer of the municipality to be applied to the general purposes of the corporation.

Rev. Stat.,
c. 62, s. 96,
sub. 2,
amended.

(2) Subsection 2 of the said section 96 is amended by adding thereto the words "and shall be deemed so to have applied and to have had effect since the 16th day of April, 1912", so that the said subsection shall now read as follows:

Application
of sections
notwith-
standing
provisions.

(2) Subsection 1 shall apply to every municipal corporation or municipal commission which has entered into a contract with the Commission for the supply of electrical power or energy, and shall have effect notwithstanding any provision in any general or special Act and shall be deemed so to have applied and to have had effect since the 16th day of April, 1912.

Short title.

6. This Act may be cited as *The Power Commission Amendment Act, 1944*.

Subsection 2. The amendments made by subsection 1 are made retroactive to the enactment of the section.

An Act to amend The Power
Commission Act.

1st Reading

February 29th, 1944

2nd Reading

3rd Reading

MR. CHALLIES

No. 42

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Power Commission Act.

MR. CHALLIES

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Power Commission Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 62, s. 1,
amended.

1. Section 1 of *The Power Commission Act* is amended by adding thereto the following clause:

"Advisory
Council".

(aa) "Advisory Council" shall mean The Ontario Hydro-Electric Advisory Council.

Rev. Stat.,
c. 62,
amended.

2. *The Power Commission Act* is amended by adding thereto the following section:

Advisory
Council.

6a.—(1) There shall be an advisory council to be known as The Ontario Hydro-Electric Advisory Council which shall consist of five members appointed by the Lieutenant-Governor in Council each of whom shall hold office for two years from the date of his appointment or such other period as the Lieutenant-Governor in Council may prescribe and every such member shall be eligible for re-appointment.

Presiding
officer.

(2) The members of the Advisory Council shall elect from amongst themselves a presiding officer whose term of office shall be one year, and who shall be eligible for re-election.

Meetings.

(3) The Advisory Council shall meet on the call of its presiding officer on three days' written notice, and also whenever requested to do so by the Commission on similar notice.

Reports.

(4) The Advisory Council shall make a report for the consideration and assistance of the Commission upon every matter submitted to the Advisory Council by the Commission and upon any matter relative to the purposes of the Commission upon which the members of the Advisory Council deem it advisable to report.

- (5) The members of the Advisory Council shall be paid such per diem allowance and travelling expenses as the Lieutenant-Governor in Council shall from time to time decide. Remuneration.
- (6) The Commission may provide the Advisory Council with such professional, technical, secretarial and other assistance as the Commission may see fit, and the cost thereof shall be deemed to be part of the administration expenses of the Commission. Assistance.
- (7) No senator or member of the House of Commons of the Parliament of Canada, and no member of the Legislative Assembly of Ontario, and no person not entitled to vote at the election of members of the Legislative Assembly of Ontario shall be eligible to be a member of the Advisory Council. Unqualified persons.
- (8) The Lieutenant-Governor in Council may terminate the appointment of any member who in his opinion is incapable of performing his duties. Termination of appointment.
- (9) The Advisory Council may act notwithstanding any vacancy in its membership and three members shall constitute a quorum at any meeting. Council may act notwithstanding vacancy.

3. Section 33a of *The Power Commission Act* as enacted by section 2 of *The Power Commission Amendment Act, 1939*, is repealed and the following substituted therefor: Rev. Stat., c. 62, s. 33a, (1939, c. 35, s. 2) re-enacted.

- 33a.—(1) Notwithstanding anything in this Act or any other general or special Act, where works of the Commission have been affixed to realty they shall remain subject to the rights of the Commission as fully as they were before being so affixed and shall not become part of the realty unless otherwise agreed by the Commission in writing. Ownership of works retained.
- (2) Any person who without the consent of the Commission nails or otherwise attaches anything, or causes anything to be nailed or otherwise attached to or upon any property of the Commission shall incur a penalty of not less than \$5 or more than \$10. Affixing signs on property prohibited.
- (3) The penalties imposed by or under subsection 2 shall be recoverable under *The Summary Convictions Act* and shall be paid over to the Commission. Recovery of penalties. Rev. Stat., c. 136.

4. Subsection 12 of section 87 of *The Power Commission Act* is amended by striking out the word "approved" in the second line and inserting in lieu thereof the word "proved". Rev. Stat., c. 62, s. 87, subs. 12, amended.

Rev. Stat.,
c. 62, s. 96,
subs. 1,
re-enacted.

5.—(1) Subsection 1 of section 96 of *The Power Commission Act* is repealed and the following substituted therefor:

When
accounts of
corporation
show a
surplus.

- (1) Whenever it appears from the accounts of a municipal corporation or municipal commission that after providing for any payments required to be made on account of principal or interest of any debentures issued for the construction and equipment of works for the production, development or distribution of electrical power or energy, and in the case of a municipal corporation or municipal commission receiving electrical power or energy from the Commission for distribution, after providing for the payments required by this Act, there is a surplus at the credit of the municipal corporation or municipal commission derived from the production, development or distribution of electrical power or energy or from dealing in electrical fittings, fixtures, appliances, machines or equipment, such surplus shall be applied and disposed of in such manner as the Commission may by general regulation or special order direct,—

In repay-
ment to
customers.

- (a) in repaying to persons to whom electrical power or energy is being supplied by such municipal corporation or municipal commission moneys paid by them for electrical power or energy so supplied, such repayment being made either directly or by a credit on or reduction in bills for electrical power or energy; or

In reduction
of indebted-
ness.

- (b) in the reduction of any indebtedness incurred with respect to the construction and equipment of such works; or

In erection
of office
buildings,
etc.

- (c) In purchasing or otherwise acquiring a site and erecting thereon buildings for the occupation and use of the municipal commission as offices and for other business purposes, subject to the approval by the Commission of the site and cost of the plans of any such building and subject to such approval, any such office building may be larger than is required for the immediate use of the municipal commission, and any part of such building not immediately required for the use of the municipal commission may be leased by it to the corporation or to any other municipal commission for the purposes of any public utility in the municipality; or

Larger
buildings
than re-
quired,—
leasing
part for
other
utilities.

(d) in the maintenance, repair or renewal thereof;
or

(e) in the extension of such works; or

In maintain-
ing, repair-
ing and
extending
works.

(f) in the formation of a fund to be used at a
future time for any of such purposes; or

(g) to the extent to which such surplus is derived
from the supply of electrical power or energy
for the public buildings of the corporation or
the lighting of the streets of the municipality
or for the operation of any street railway or
electric railway or any public utility owned
and operated by the corporation, by payment
over of such surplus, or of such portion thereof
as the Commission may deem proper, to the
treasurer of the municipality to be applied
to the general purposes of the corporation.

To general
purposes of
municipal
corporation.

(2) Subsection 2 of the said section 96 is amended by adding thereto the words "and shall be deemed so to have applied and to have had effect since the 16th day of April, 1912", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 62, s. 96,
sub. 2,
amended.

(2) Subsection 1 shall apply to every municipal corporation or municipal commission which has entered into a contract with the Commission for the supply of electrical power or energy, and shall have effect notwithstanding any provision in any general or special Act and shall be deemed so to have applied and to have had effect since the 16th day of April, 1912.

Application
of sections
notwith-
standing
provisions.

6. This Act may be cited as *The Power Commission Amendment Act, 1944*.

Short title.

An Act to amend The Power
Commission Act.

1st Reading

February 29th, 1944

2nd Reading

March 8th, 1944

3rd Reading

March 10th, 1944

MR. CHALLIES

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Apprenticeship Act.

MR. DALEY



BILL

An Act to amend The Apprenticeship Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 192, s. 15,
sub. 1,
amended.

1. Subsection 1 of section 15 of *The Apprenticeship Act* is amended by adding thereto the following clause:

(bb) requiring all persons engaged in any designated trade, other than registered apprentices, to hold a current certificate of qualification, and prohibiting the employment in any designated trade of persons who have not complied with this requirement.

Short
title.

2. This Act may be cited as *The Apprenticeship Amendment Act, 1944*.

EXPLANATORY NOTE.

The amendment permits the Industry and Labour Board, with the approval of the Lieutenant-Governor in Council, to prevent the employment in any designated trade of persons other than registered apprentices and holders of certificates of qualification.

An Act to amend The Apprenticeship Act.

1st Reading

February 29th, 1944

2nd Reading

3rd Reading

MR. DALEY

No. 44

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Sugar Beet Subsidy Act, 1943.

MR. KENNEDY

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Sugar Beet Subsidy Act, 1943.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1943, c. 30,
s. 2, subs. 2,
amended.

1. Subsection 2 of section 2 of *The Sugar Beet Subsidy Act, 1943*, is amended by inserting after the word "exceeding" in the second line the words "one dollar and" so that the said subsection shall now read as follows,—

Amount of
subsidy.

(2) The amount of the subsidy shall be fixed by the Lieutenant-Governor in Council at an amount not exceeding one dollar and fifty-five cents for each ton of sugar beets.

1943, c. 30,
continued,
in force.

2. Notwithstanding anything contained in section 6 of *The Sugar Beet Subsidy Act, 1943*, all the other provisions of the said Act shall continue in force and have effect until the 31st day of March, 1945.

Commence-
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent and shall have effect as from the 1st day of April, 1944, and shall remain in force and have effect until the 31st day of March, 1945.

Short title.

4. This Act may be cited as *The Sugar Beet Subsidy Act, 1944*.

EXPLANATORY NOTES

SECTION 1. This section increases the amount of the subsidy that may be paid to producers of sugar beets in Ontario from fifty-five cents to one dollar and fifty-five cents for each ton.

SECTION 2. This section continues the Act in force and effect until the 31st day of March, 1945.

An Act to amend The Sugar Beet Subsidy
Act, 1943.

1st Reading

March 1st, 1944

2nd Reading

3rd Reading

MR. KENNEDY

1ST SESSION, 21ST LEGISLATURE, ONTARIO

8 GEORGE VI, 1944

BILL

An Act to amend The Sugar Beet Subsidy Act, 1943.

MR. KENNEDY

TORONTO

PRINTED BY T. E. BOWMAN

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 44

1944

BILL

An Act to amend The Sugar Beet Subsidy Act, 1943.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1943, c. 30,
s. 2, subs. 2,
amended.

1. Subsection 2 of section 2 of *The Sugar Beet Subsidy Act, 1943*, is amended by inserting after the word "exceeding" in the second line the words "one dollar and" so that the said subsection shall now read as follows,—

Amount of
subsidy.

(2) The amount of the subsidy shall be fixed by the Lieutenant-Governor in Council at an amount not exceeding one dollar and fifty-five cents for each ton of sugar beets.

1943, c. 30,
continued,
in force.

2. Notwithstanding anything contained in section 6 of *The Sugar Beet Subsidy Act, 1943*, all the other provisions of the said Act shall continue in force and have effect until the 31st day of March, 1945.

Commence-
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent and shall have effect as from the 1st day of April, 1944, and shall remain in force and have effect until the 31st day of March, 1945.

Short title.

4. This Act may be cited as *The Sugar Beet Subsidy Act, 1944*.



An Act to amend The Sugar Beet Subsidy
Act, 1943.

1st Reading

March 1st, 1944

2nd Reading

March 3rd, 1944

3rd Reading

March 10th, 1944

MR. KENNEDY

No. 45

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act respecting Municipal Health Services.

MR. DENNISON

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting Municipal Health Services.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpre-
tation,—

1. In this Act,—

“inhabi-
tant”;

(a) “inhabitant” shall mean person who ordinarily resides in the municipality; and

“municipi-
pality”.

(b) “municipality” shall mean local municipality as defined in *The Municipal Act*.

Question
to be
submitted
to electors.

2.—(1) The council of a municipality may, on any polling day for the election of members of council, submit to a vote of the municipal electors the following question:

Are you in favour of the council of this municipality entering into arrangements providing for the medical and surgical care of the inhabitants of this municipality, payment therefor to be provided in such manner as may be determined by council?

(2) If not less than two-thirds of the municipal electors voting on the question vote in the affirmative thereon, section 4 shall apply to the council of such municipality.

Idem.

3.—(1) The council of a municipality may, on any polling day for the election of members of council, submit to a vote of the municipal electors the following question:

Are you in favour of the council of this municipality entering into arrangements with the councils of one or more other municipalities providing for the medical and surgical care of the inhabitants of the municipalities concerned, payment therefor to be provided in such manner as may be determined by the said councils?

When s. 5
to apply.

(2) If not less than two-thirds of the municipal electors voting on the question vote in the affirmative thereon, section 5 shall apply to the council of such municipality.

EXPLANATORY NOTE

The purpose of this Bill is to enable a municipality or group of municipalities to establish and maintain health services for the inhabitants and to provide for the expenses in connection therewith.

By-laws
authorizing
health
services
agreements.

4.—(1) Subject to section 2, the council of a municipality may pass by-laws authorizing the entering into of an agreement or agreements providing for health services to the inhabitants thereof, which may include,—

- (a) the engagement of one or more duly qualified medical practitioners either on a part-time or full-time basis;
- (b) the establishment of a municipal hospital with necessary administrative staff and the engagement of specialists to act on the staff either on a part-time or full-time basis;
- (c) the institution and maintenance of medical, surgical, pharmaceutical or hospital services;
- (d) the amount of the remuneration of such medical and hospital staff calculated upon a monthly, yearly or other basis, and the payment thereof; and
- (e) such other matters as may require to be determined in connection with such services.

Idem.

5. Subject to section 3, the council of a municipality may pass by-laws authorizing the entering into of an agreement or agreements with one or more municipalities with respect to any or all of the services authorized by section 4 and may provide therein for the apportionment among such municipalities of the cost of such services.

Approval of
Minister of
Health.

6. An agreement entered into under this Act shall not become operative until approved in writing by the Minister of Health for Ontario.

Repeal.

7. A by-law passed under this Act shall remain in force and shall not be repealed until the expiration of a period of three years after the taking of a vote, and then only when the question of the repeal thereof has been submitted to and received the assent of two-thirds of the municipal electors voting thereon.

Provision
for raising
funds to
defray costs.

8. For the purpose of carrying out the provisions of any agreement entered into under this Act the council of a municipality may levy and collect,—

- (a) a special rate on all the rateable property within the municipality;
- (b) a special health services tax from every male and female inhabitant of the municipality who is twenty-one years or over;

(c) both a special rate as provided by clause *a* and a special health services tax as provided by clause *b*.

Short title. **9.** This Act may be cited as *The Municipal Health Services Act, 1944*.

An Act respecting Municipal Health
Services.

1st Reading

March 3rd, 1944

2nd Reading

3rd Reading

MR. DENNISON

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to prevent the Publication of Discriminatory Matter
Referring to Race or Creed.

MR. BLACKWELL

BILL

An Act to prevent the Publication of Discriminatory Matter Referring to Race or Creed.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Prohibition
against
publishing
or displaying
discriminat-
ing signs,
etc.

1. No person shall,—

- (a) publish or display or cause to be published or displayed; or
- (b) permit to be published or displayed on lands or premises or in a newspaper, through a radio broadcasting station or by means of any other medium which he owns or controls,

any notice, sign, symbol, emblem or other representation indicating discrimination or an intention to discriminate against any person or any class of persons for any purpose because of the race or creed of such person or class of persons.

Penalty.

2. Every one who violates the provisions of section 1 shall be liable to a penalty of not more than \$100 for a first offence nor more than \$200 for a second or subsequent offence and such penalties shall be paid to the Treasurer of Ontario.

Recovery of
penalties.

3.—(1) The penalties imposed by this Act may be recovered upon the application of any person with the consent of the Attorney General, to a judge of the Supreme Court by originating notice and upon every such application the rules of practice of the Supreme Court shall apply.

Order of
judge.

(2) The judge, upon finding that any person has violated the provisions of section 1 may, in addition to ordering payment of the penalties, make an order enjoining him from continuing such violation.

Enforce-
ment of
section.

(3) Any order made under this section may be enforced

EXPLANATORY NOTES

SECTION 1. The publication or display of any sign, notice, symbol, emblem or other representation indicating discrimination or an intention to discriminate because of race or creed is prohibited.

SECTIONS 2 and 3. Penalties for a violation of section 1 are prescribed and these penalties which are payable to the Treasurer of Ontario are recoverable upon application to a judge of the Supreme Court who may also enjoin the offender from continuing the violation.

in the same manner as any other order or judgment of the Supreme Court.

Short title.

4. This Act may be cited as *The Racial Discrimination Act, 1944*.

An Act to prevent the Publication of
Discriminatory Matter Referring to
Race or Creed.

1st Reading

March 3rd, 1944

2nd Reading

3rd Reading

MR. BLACKWELL

No. 46

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to prevent the Publication of Discriminatory Matter
Referring to Race or Creed.

MR. BLACKWELL

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to prevent the Publication of Discriminatory Matter Referring to Race or Creed.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Prohibition
against
publishing
or displaying
discriminat-
ing signs,
etc.

1. No person shall,—

- (a) publish or display or cause to be published or displayed; or
- (b) permit to be published or displayed on lands or premises or in a newspaper, through a radio broadcasting station or by means of any other medium which he owns or controls,

any notice, sign, symbol, emblem or other representation indicating discrimination or an intention to discriminate against any person or any class of persons for any purpose because of the race or creed of such person or class of persons.

Effect of
Act.

2. This Act shall not be deemed to interfere with the free expression of opinions upon any subject by speech or in writing and shall not confer any protection to or benefit upon enemy aliens.

Penalty.

3. Every one who violates the provisions of section 1 shall be liable to a penalty of not more than \$100 for a first offence nor more than \$200 for a second or subsequent offence and such penalties shall be paid to the Treasurer of Ontario.

Recovery of
penalties.

4.—(1) The penalties imposed by this Act may be recovered upon the application of any person with the consent of the Attorney General, to a judge of the Supreme Court by originating notice and upon every such application the rules of practice of the Supreme Court shall apply.

Order of
judge.

(2) The judge, upon finding that any person has violated the provisions of section 1 may, in addition to ordering pay-

ment of the penalties, make an order enjoining him from continuing such violation.

(3) Any order made under this section may be enforced in the same manner as any other order or judgment of the Supreme Court. <sup>Enforce-
ment of
section.</sup>

5. This Act may be cited as *The Racial Discrimination Act, 1944*. ^{Short title.}

An Act to prevent the Publication of
Discriminatory Matter Referring to
Race or Creed.

1st Reading

March 3rd, 1944

2nd Reading

March 10th, 1944

3rd Reading

March 14th, 1944

MR. BLACKWELL

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act respecting the Ontario Research Foundation.

MR. DREW

BILL

An Act respecting the Ontario Research Foundation.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpre-
tation,—

1. In this Act,—

“Founda-
tion”;

(a) “Foundation” shall mean Ontario Research Founda-
tion;

“Board”;

(b) “Board” shall mean Board of Governors of the
Foundation; and

“Executive
Committee”.

(c) “Executive Committee” shall mean Executive Com-
mittee of the Board.

Foundation
to be body
corporate.

2. The Ontario Research Foundation shall continue to be
a body corporate.

Objects of
Foundation.

3. The objects of the Foundation shall be the carrying on
of Research, studies and investigations, particularly those
having for their objects,—

- (a) the conservation, development and utilization of the
natural resources of the Province;
- (b) the development and utilization of the by-products
of any processes involving the treating or using of
the mineral, timber or other resources of the Prov-
ince;
- (c) the development and improvement of methods in the
agricultural industry and the betterment, welfare
and progress of farm life;
- (d) the mitigation and abolition of disease in animal or
vegetable life and the control and destruction of
insect or parasitic pests; and

EXPLANATORY NOTES

GENERAL. The Ontario Research Foundation was incorporated by The Research Foundation Act, 1928. Pursuant to the provisions of the incorporating Act, various persons became subscribers to the Foundation and contributed equally with the Treasurer of the Province of Ontario to the establishment of its funds. By the incorporating Act the control and direction of the administration of the Foundation were vested in the Chairman with provision for the exercise of his powers by the Vice-Chairman in the event of his absence. The investigations and research carried on by the Foundation have been a credit to its staff and a benefit to the Province but, in view of the increasing importance of its work and the expanding interest in its activities, it is desirable to create a Board of Governors to manage the affairs of the Foundation with provision for an Executive Committee and to otherwise make better provision for the management of its affairs and the achievement of its objects.

SECTION 1. The terms used in the Act are defined.

SECTION 2. A new body corporate is not created, but the existing one is merely continued.

SECTION 3. The objects of the Foundation remain in substance as heretofore but are stated with greater clarity.

- (e) the improvement and development of industrial materials, products and techniques.

Management
of affairs
by Board of
Governors.

4.—(1) The affairs of the Foundation shall be managed and its powers may be exercised by a Board of Governors consisting of not more than twenty-five members who shall be appointed by the Lieutenant-Governor in Council and the members of the Board shall be the members of the Foundation.

Resigna-
tion.

(2) A member of the Board may resign at any time.

Chairman.

5.—(1) The Board at its first meeting after the coming into force of this Act and at each annual meeting thereafter shall elect from among its members a chairman and two vice-chairmen who shall hold office until the next annual meeting and until their successors are duly elected and who shall be eligible for re-election.

Vacancies.

(2) Any vacancy occurring in any of such offices during the term of office may be filled by the Board from among its members for the remainder of the unexpired term.

Present
chairman
and vice-
chairman.

(3) Until the first meeting of the Board held after the coming into force of this Act, the persons presently holding the offices of chairman and vice-chairman of the Foundation shall continue in office and shall administer the affairs of the Foundation.

First
meeting.

(4) The first meeting of the Board after the coming into force of this Act shall be held at such place and time as may be determined by the Lieutenant-Governor in Council.

Executive
Committee.

6.—(1) There shall be an Executive Committee of the Board consisting of the chairman and vice-chairmen and two other members who shall be elected by the Board from among its members at its first meeting held after the coming into force of this Act and at each annual meeting thereafter and who shall hold office until the next annual meeting and until their successors are duly elected and who shall be eligible for re-election.

Delegation
of powers.

(2) The Board may delegate all or any of its powers to the Executive Committee and may revoke or amend any such delegation.

Place of
meetings.

7. Meetings of the Board and of the Executive Committee may be held at such places and times as may be determined in accordance with the by-laws of the Foundation, provided that the annual meeting of the Board shall be held not later than the 1st day of May in each year.

SECTION 4. Provision is made for the management of the affairs of the Foundation by a Board of Governors to be appointed by the Lieutenant-Governor in Council.

SECTION 5. Provision is made for the election of a chairman and two vice-chairmen annually; for the continued administration of the affairs of the Foundation by the present officers until the first meeting of the new Board; and for the calling of the first meeting of the new Board.

SECTION 6. Provision is made for an Executive Committee of five members and for the delegation of powers to it by the Board.

SECTION 7. The annual meeting is required to be held at an early date in each year.



Conduct and
administra-
tion.

8. The Board may make by-laws not contrary to the provisions of this Act to regulate the conduct and administration of the affairs of the Foundation in all things and particularly, without limiting the foregoing general power,—

- (a) to regulate the calling of and the procedure at meetings of the Board and of the Executive Committee; to regulate the time and place for the holding of such meetings respectively; and to fix the respective quorum for the Board and for the Executive Committee;
- (b) to regulate the appointment, functions, powers, duties, remuneration and removal of officers, servants and agents of the Foundation; and
- (c) to establish and regulate the appointment, functions, powers, duties, meetings, quorum and removal of, such technical or advisory committees as the Board may deem advisable.

Chairman,
vice-
chairmen,
Board,
Executive
Committee.

Rev. Stat.,
c. 251.

9. The chairman, vice-chairmen and members of the Board and of the Executive Committee shall not be paid any remuneration but, if the by-laws of the Foundation so provide, may be paid any reasonable expenses incurred by them in the performance of their duties and section 93 of *The Companies Act* shall apply *mutatis mutandis* to the Foundation and to the members of the Board and of the Executive Committee in the same manner and to the same effect as though the Foundation were a company incorporated under Part I of that Act and the members of the Board and of the Executive Committee were directors thereof.

Property
and assets
of present
Foundation.

10. All property and assets, real and personal, rights and privileges owned, held, possessed or enjoyed by the Foundation immediately prior to the time of the coming into force of this Act shall continue to be vested in the Foundation for the same estate, title or interest.

Powers of
Foundation.

11. The Foundation may,—

- (a) purchase, lease or otherwise acquire and hold any real property or any estate or interest therein deemed necessary for the purposes of the Foundation;
- (b) take by gift, donation, devise or bequest and hold any real or personal property or any estate or interest therein;
- (c) with the prior approval of the Lieutenant-Governor in Council and without the consent of the owner,

SECTION 8. The Board is authorized to pass by-laws required for the administration of the affairs of a corporation.

SECTION 9. The Chairman and Vice-Chairmen and members of the Board and of the Executive Committee will serve without remuneration but may be paid their reasonable expenses. The restrictions imposed by Section 93 of *The Companies Act* upon directors of companies are made to apply to members of the Board and of the Executive Committee.

SECTION 10. The existing title of the Foundation to its real and personal property is preserved notwithstanding the repeal of the existing statute.

SECTION 11. The usual powers to acquire, hold and sell real property and also the power to receive donations and to expropriate are given to the Foundation but the exercise of the power to expropriate is safeguarded by the requirement that the prior approval of the Lieutenant-Governor in Council must be obtained.

Rev. Stat.,
c. 54.

enter upon, take, use and expropriate any real property or any estate or interest therein deemed necessary for its purposes, and the Foundation shall, in the exercise of the powers hereby conferred, proceed in like manner to that provided by *The Public Works Act* where the Minister of Public Works takes land or property for the use of Ontario, and all the provisions of that Act with respect to entering on land or property, the depositing of a plan, the vesting of title and the determination and payment of compensation shall apply *mutatis mutandis* to the Foundation;

- (d) construct, maintain and alter any buildings and works deemed necessary or convenient for the purposes of the Foundation;
- (e) when no longer required for the purposes of the Foundation, sell, lease or otherwise dispose of any real property or any estate or interest therein.

Research,
investiga-
tions, etc.

12. The Foundation may carry on research, investigations, studies and operations for other persons upon such terms and conditions as the Executive Committee may determine, subject to any direction of the Board.

Inventions
and
discoveries.

13. The Foundation may purchase or otherwise acquire any invention or discovery or any right therein and may apply for, purchase or otherwise acquire any letters patent of invention or similar protection of the Dominion of Canada or elsewhere or any license or other right, title or interest in or under any patent or similar protection and may hold, use, exercise, develop, license, assign or otherwise dispose of or turn such inventions, discovery, letters patent or protection to account.

Gratuities.

14. The Foundation may pay gratuities, bonuses and allowances to retired or superannuated officers or servants of the Foundation either out of the general funds of the Foundation or out of any special funds set aside for that purpose and may make payments toward insurance, pension, retirement, sickness and other funds or plans calculated to benefit the officers and employees of the Foundation or their dependants or connections, but no payment shall be made to or for the benefit of the chairman, vice-chairmen or members of the Board or of the Executive Committee.

Exemption
from
taxation.

15. The real and personal property, business and income of the Foundation shall be exempt from all assessment and taxation made, imposed or levied by or under the authority of any Act of this Legislature.

SECTION 12. The Foundation is enabled to carry on work for those who desire to make use of its services.

SECTION 13. The powers of the Foundation with respect to inventions discoveries, patents and like protection are indicated.

SECTION 14. The Foundation is given power to make provision for retired or superannuated officers or servants and to contribute to pension and other plans.

SECTION 15. Exemption from taxation is provided for.

Property of
Foundation
not to be
expropriated.

16. No real property of the Foundation and no estate or interest therein shall be liable to be entered upon, used, taken or expropriated by any municipal or other corporation or person possessing the right of taking land compulsorily and no power to enter upon, take or expropriate land hereafter conferred shall extend to the real property of the Foundation or to any estate or interest therein unless in the Act conferring the power it is made in express terms to apply thereto.

Statutes of
limitations.

17. All real property of the Foundation shall, with respect to the application of any statute of limitations, be deemed to have been and to be real property vested in the Crown for the public uses of Ontario.

Funds.

18. The funds of the Foundation may be invested as the Executive Committee may determine subject to any direction of the Board.

Auditors.

19. The Board at each annual meeting shall appoint one or more auditors who shall hold office until the next annual meeting and until their successors are duly appointed and the auditor or auditors shall yearly examine the accounts of the Foundation and shall report thereon to the Board.

Annual
report.

20. The Board shall annually report to the Lieutenant-Governor in Council on the affairs of the Foundation.

Powers of
Foundation.

21. The Foundation shall have power to do all such things as are incidental or conducive to the attainment of its objects.

Rev. Stat.,
c. 91;
1939, c. 47,
s. 31, re-
pealed.

22. *The Research Foundation Act* and section 31 of *The Statute Law Amendment Act, 1939*, are repealed.

Commence-
ment of Act.

23. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

24. This Act may be cited as *The Research Foundation Act, 1944*.

SECTION 16. The real property of the Foundation is safeguarded against expropriation by municipal or other corporations or persons possessing the right of expropriation.

SECTION 17. The real property of the Foundation is protected against the effect of adverse occupation to the same extent as Crown lands.

SECTION 18. Provision is made for the investment of the funds of the Foundation.

SECTION 19. The appointment of auditors and annual audits of the accounts of the Foundation are required.

SECTION 20. An annual report to the Lieutenant-Governor in Council is required.

SECTION 21. A general ancillary power is provided.

SECTION 22. Existing Acts are repealed.

SECTION 23. The Act comes into force on a day to be named by the Lieutenant-Governor by proclamation.

An Act respecting the Ontario Research
Foundation.

1st Reading

March 7, 1944

2nd Reading

3rd Reading

MR. DREW

No. 47

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act respecting the Ontario Research Foundation.

MR. DREW

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the Ontario Research Foundation.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpre-
tation,—

1. In this Act,—

“Founda-
tion”;

(a) “Foundation” shall mean Ontario Research Founda-
tion;

“Board”;

(b) “Board” shall mean Board of Governors of the
Foundation; and

“Executive
Committee”.

(c) “Executive Committee” shall mean Executive Com-
mittee of the Board.

Foundation
to be body
corporate.

2. The Ontario Research Foundation shall continue to be
a body corporate.

Objects of
Foundation.

3. The objects of the Foundation shall be the carrying on
of Research, studies and investigations, particularly those
having for their objects,—

- (a) the conservation, development and utilization of the
natural resources of the Province;
- (b) the development and utilization of the by-products
of any processes involving the treating or using of
the mineral, timber or other resources of the Prov-
ince;
- (c) the development and improvement of methods in the
agricultural industry and the betterment, welfare
and progress of farm life;
- (d) the mitigation and abolition of disease in animal or
vegetable life and the control and destruction of
insect or parasitic pests; and

- (e) the improvement and development of industrial materials, products and techniques.

4.—(1) The affairs of the Foundation shall be managed and its powers may be exercised by a Board of Governors consisting of not more than twenty-five members who shall be appointed by the Lieutenant-Governor in Council and the members of the Board shall be the members of the Foundation.

Management of affairs by Board of Governors.

- (2) A member of the Board may resign at any time.

Resignation.

5.—(1) The Board at its first meeting after the coming into force of this Act and at each annual meeting thereafter shall elect from among its members a chairman and two vice-chairmen who shall hold office until the next annual meeting and until their successors are duly elected and who shall be eligible for re-election.

Chairman.

- (2) Any vacancy occurring in any of such offices during the term of office may be filled by the Board from among its members for the remainder of the unexpired term.

Vacancies.

(3) Until the first meeting of the Board held after the coming into force of this Act, the persons presently holding the offices of chairman and vice-chairman of the Foundation shall continue in office and shall administer the affairs of the Foundation.

Present chairman and vice-chairman.

- (4) The first meeting of the Board after the coming into force of this Act shall be held at such place and time as may be determined by the Lieutenant-Governor in Council.

First meeting.

6.—(1) There shall be an Executive Committee of the Board consisting of the chairman and vice-chairmen and two other members who shall be elected by the Board from among its members at its first meeting held after the coming into force of this Act and at each annual meeting thereafter and who shall hold office until the next annual meeting and until their successors are duly elected and who shall be eligible for re-election.

Executive Committee.

- (2) The Board may delegate all or any of its powers to the Executive Committee and may revoke or amend any such delegation.

Delegation of powers.

7. Meetings of the Board and of the Executive Committee may be held at such places and times as may be determined in accordance with the by-laws of the Foundation, provided that the annual meeting of the Board shall be held not later than the 1st day of May in each year.

Place of meetings.

Conduct and
administra-
tion.

8. The Board may make by-laws not contrary to the provisions of this Act to regulate the conduct and administration of the affairs of the Foundation in all things and particularly, without limiting the foregoing general power,—

- (a) to regulate the calling of and the procedure at meetings of the Board and of the Executive Committee; to regulate the time and place for the holding of such meetings respectively; and to fix the respective quorum for the Board and for the Executive Committee;
- (b) to regulate the appointment, functions, powers, duties, remuneration and removal of officers, servants and agents of the Foundation; and
- (c) to establish and regulate the appointment, functions, powers, duties, meetings, quorum and removal of, such technical or advisory committees as the Board may deem advisable.

Chairman,
vice-
chairmen,
Board,
Executive
Committee.

9. The chairman, vice-chairmen and members of the Board and of the Executive Committee shall not be paid any remuneration but, if the by-laws of the Foundation so provide, may be paid any reasonable expenses incurred by them in the performance of their duties and section 93 of *The Companies Act* shall apply *mutatis mutandis* to the Foundation and to the members of the Board and of the Executive Committee in the same manner and to the same effect as though the Foundation were a company incorporated under Part I of that Act and the members of the Board and of the Executive Committee were directors thereof.

Rev. Stat.,
c. 251.

Property
and assets
of present
Foundation.

10. All property and assets, real and personal, rights and privileges owned, held, possessed or enjoyed by the Foundation immediately prior to the time of the coming into force of this Act shall continue to be vested in the Foundation for the same estate, title or interest.

Powers of
Foundation.

11. The Foundation may,—

- (a) purchase, lease or otherwise acquire and hold any real property or any estate or interest therein deemed necessary for the purposes of the Foundation;
- (b) take by gift, donation, devise or bequest and hold any real or personal property or any estate or interest therein;
- (c) with the prior approval of the Lieutenant-Governor in Council and without the consent of the owner,

enter upon, take, use and expropriate any real property or any estate or interest therein deemed necessary for its purposes, and the Foundation shall, in the exercise of the powers hereby conferred, proceed in like manner to that provided by *The Public Works Act* where the Minister of Public Works takes land or property for the use of Ontario, and all the provisions of that Act with respect to entering on land or property, the depositing of a plan, the vesting of title and the determination and payment of compensation shall apply *mutatis mutandis* to the Foundation;

Rev. Stat.,
c. 54.

- (d) construct, maintain and alter any buildings and works deemed necessary or convenient for the purposes of the Foundation; and
- (e) when no longer required for the purposes of the Foundation, sell, lease or otherwise dispose of any real property or any estate or interest therein.

12. The Foundation may carry on research, investigations, studies and operations for other persons upon such terms and conditions as the Executive Committee may determine, subject to any direction of the Board.

Research,
investiga-
tions, etc.

13. The Foundation may purchase or otherwise acquire any invention or discovery or any right therein and may apply for, purchase or otherwise acquire any letters patent of invention or similar protection of the Dominion of Canada or elsewhere or any license or other right, title or interest in or under any patent or similar protection and may hold, use, exercise, develop, license, assign or otherwise dispose of or turn such inventions, discovery, letters patent or protection to account.

Inventions
and
discoveries.

14. The Foundation may pay gratuities, bonuses and allowances to retired or superannuated officers or servants of the Foundation either out of the general funds of the Foundation or out of any special funds set aside for that purpose and may make payments toward insurance, pension, retirement, sickness and other funds or plans calculated to benefit the officers and employees of the Foundation or their dependants or connections, but no payment shall be made to or for the benefit of the chairman, vice-chairmen or members of the Board or of the Executive Committee.

Gratuities.

15. The real and personal property, business and income of the Foundation shall be exempt from all assessment and taxation made, imposed or levied by or under the authority of any Act of this Legislature.

Exemption
from
taxation.

Property of
Foundation
not to be
expropriated.

16. No real property of the Foundation and no estate or interest therein shall be liable to be entered upon, used, taken or expropriated by any municipal or other corporation or person possessing the right of taking land compulsorily and no power to enter upon, take or expropriate land hereafter conferred shall extend to the real property of the Foundation or to any estate or interest therein unless in the Act conferring the power it is made in express terms to apply thereto.

Statutes of
limitations.

17. All real property of the Foundation shall, with respect to the application of any statute of limitations, be deemed to have been and to be real property vested in the Crown for the public uses of Ontario.

Funds.

18. The funds of the Foundation may be invested as the Executive Committee may determine subject to any direction of the Board.

Auditors.

19. The Board at each annual meeting shall appoint one or more auditors who shall hold office until the next annual meeting and until their successors are duly appointed and the auditor or auditors shall yearly examine the accounts of the Foundation and shall report thereon to the Board.

Annual
report.

20. The Board shall annually report to the Lieutenant-Governor in Council on the affairs of the Foundation.

Powers of
Foundation.

21. The Foundation shall have power to do all such things as are incidental or conducive to the attainment of its objects.

Rev. Stat.,
c. 91;
1939, c. 47,
s. 31, re-
pealed.

22. *The Research Foundation Act* and section 31 of *The Statute Law Amendment Act, 1939*, are repealed.

Commence-
ment of Act.

23. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

24. This Act may be cited as *The Research Foundation Act, 1944*.

An Act respecting the Ontario Research
Foundation.

1st Reading

March 7, 1944

2nd Reading

March 8th, 1944

3rd Reading

March 10th, 1944

Mr. DREW

No. 48

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Commissioners for Taking Affidavits Act.

MR. BLACKWELL

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Commissioners for Taking Affidavits Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 121, s. 7a
(1939,
2nd Sess.,
c. 11, s. 1),
amended.

1. Section 7a of *The Commissioners for Taking Affidavits Act* as enacted by section 1 of *The Statute Law Amendment Act, 1939 (No. 2)*, is amended by striking out the words "major or officer of higher command" in the second and third lines and inserting in lieu thereof the words "commissioned officer", so that the said section shall now read as follows:

Taking
affidavits,
etc., before
officers
of His
Majesty's
forces.

7a. An affidavit for use in Ontario may be sworn within or without Ontario before a commissioned officer on active service in the military, naval or air forces of His Majesty and shall be as valid and effectual and of like force and effect to all intents and purposes as if it had been sworn in Ontario before a commissioner for taking affidavits therein.

Short title.

2. This Act may be cited as *The Commissioners for Taking Affidavits Amendment Act, 1944*.

EXPLANATORY NOTE

The present section authorizes officers of the armed forces of the rank of major or higher to take affidavits. The Dominion authorities have requested that this right be extended to all commissioned officers and the amendment effects the request.

An Act to amend The Commissioners
for Taking Affidavits Act.

1st Reading

March 7, 1944

2nd Reading

3rd Reading

MR. BLACKWELL

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Commissioners for Taking Affidavits Act.

MR. BLACKWELL

BILL

An Act to amend The Commissioners for Taking Affidavits Act.

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Rev. Stat.,
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Taking
affidavits,
etc., before
officers
of His
Majesty's
forces.

7a. An affidavit for use in Ontario may be sworn within or without Ontario before a commissioned officer on active service in the military, naval or air forces of His Majesty and shall be as valid and effectual and of like force and effect to all intents and purposes as if it had been sworn in Ontario before a commissioner for taking affidavits therein.

Commence-
ment of Act,

2. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

3. This Act may be cited as *The Commissioners for Taking Affidavits Amendment Act, 1944*.

An Act to amend The Commissioners
for Taking Affidavits Act.

1st Reading

March 7, 1944

2nd Reading

March 9th, 1944

3rd Reading

March 13th, 1944

MR. BLACKWELL

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Municipal Act.

MR. BROWN

No. 49

1944

BILL

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 266, s. 53,
subs. 3,
amended.

1. Subsection 3 of section 53 of *The Municipal Act* is amended by adding thereto the following clause:

- (i) of his being employed by a board of education or school board.

EXPLANATORY NOTE

The purpose of this Bill is to enable employees of school boards and boards of education to qualify as candidates for, and to sit as members of, municipal councils.

An Act to amend The Municipal Act.

1st Reading

March 7th, 1944

2nd Reading

3rd Reading

MR. BROWN

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to confirm Tax Sales.

MR. DUNBAR

BILL

An Act to confirm Tax Sales.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follow:

Tax sales
and tax
deeds con-
firmed.

1.—(1) All sales of land held prior to the 1st day of January, 1943, and purporting to have been made for arrears of taxes payable to a municipal corporation or to the school board of a school section in an unorganized township, with respect to the land so sold, are confirmed and declared to be legal, valid and binding, and every conveyance of land so sold purporting to have been executed as required by *The Assessment Act* and purporting to convey such land to the purchaser thereof, his heirs and assigns, or its successors and assigns, is also confirmed and declared to be legal, valid and binding and shall be deemed to have had the effect of vesting such land in the purchaser, his heirs, assigns or legal representatives, in fee simple or otherwise, according to the nature of the estate or interest sold, clear of and free from all right and interest of the owner thereof at the time of such sale and clear of and free from all charges and encumbrances thereon and dower therein except taxes accruing after those for non-payment of which such land was so sold.

Applica-
tion of
section.

(2) Subsection 1 shall have force and effect with respect to all such sales of land held and all such conveyances executed on or after the 1st day of January, 1940, only where the treasurer has complied with subsection 2 of section 178 of *The Assessment Act* and a statutory declaration of the treasurer as to such compliance shall be conclusive proof thereof.

Rev. Stat.,
c. 272.

Statutory
declaration.

(3) The statutory declaration mentioned in subsection 2 shall be affixed to and form part of the tax deed from the municipal corporation to the purchaser of the land in respect of which such declaration was made, and where the tax deed has been registered the treasurer shall deposit the declaration in the proper registry or land titles office.

EXPLANATORY NOTE

The provisions in this Bill are exactly the same as those in *The Tax Sales Confirmation Act, 1943*, with the exception that appropriate dates are moved forward one year.

Conveyance
to former
owner,
etc.

(4) Notwithstanding the provisions of this or any other Act, where the land which has been sold for taxes has been purchased by the municipal corporation and the period for redemption has expired and where such land has not been sold or conveyed by the municipal corporation, any person to whom notice was sent under subsection 2 of section 178 of *The Assessment Act* shall at any time, with the approval of the Department of Municipal Affairs, be entitled to a conveyance of such land from the municipal corporation upon payment to the treasurer thereof of the full amount which would have been payable in respect of taxes had the land not been sold for taxes, together with the costs in connection with such sale and of such conveyance.

Rev. Stat.,
c. 272.

Registered
tax arrears
certificates
confirmed.

Rev. Stat.,
c. 59.

2.—(1) Every tax arrears certificate that was registered prior to the 1st day of January, 1943, that purports to have been registered pursuant to *The Department of Municipal Affairs Act* and that is now outstanding, and the registration thereof, are confirmed and declared to be legal, valid and binding, and shall be deemed to have had the effect of vesting on the day of such registration the land therein described in the corporation of the municipality in which the land is situate, its successors and assigns, in fee simple, clear of and free from all other estate, right, title or interest, and of all charges or encumbrances thereon and dower therein.

Application
of section.

Rev. Stat.,
c. 59.

(2) Subsection 1 shall have force and effect with respect to all such certificates registered on or after the 1st day of January, 1940, only where the treasurer has complied with subsection 4 of section 43 of *The Department of Municipal Affairs Act* and a statutory declaration of the treasurer as to such compliance shall be conclusive proof thereof.

Statutory
declaration.

(3) The statutory declaration mentioned in subsection 2 shall be affixed to and form part of the deed of conveyance from the municipal corporation to the purchaser of the land in respect of which the declaration was made and where the deed of conveyance has been registered the treasurer shall deposit the declaration in the proper registry or land titles office.

Conveyance
to former
owner,
etc.

(4) Notwithstanding the provisions of this or any other Act, where the land with respect to which a tax arrears certificate has been registered has become vested in the municipal corporation and the period for redemption has expired and where such land has not been sold or conveyed by the municipal corporation, any person to whom notice was sent under subsection 4 of section 43 of *The Department of Municipal Affairs Act* shall at any time, with the approval of the Department of Municipal Affairs, be entitled to a conveyance of such land from the municipal corporation upon payment

Rev. Stat.,
c. 59.

to the treasurer thereof of the full amount which would have been payable in respect of taxes had the land not become vested in the municipal corporation, together with the costs in connection with such vesting and of such conveyance.

Registered redemption certificates confirmed.

Rev. Stat., c. 59.

3. Every redemption certificate registered prior to the 1st day of January, 1944, and purporting to have been registered pursuant to *The Department of Municipal Affairs Act*, and the registration thereof, are hereby confirmed and declared to be legal, valid and binding, and shall be deemed to have had the effect of vesting in the registered owner at the time of registration of the tax arrears certificate, his heirs or assigns, his original estate, right, title or interest in the land described therein, and of cancelling the tax arrears certificate registered with respect to such land.

Registered vacating certificates confirmed.

Rev. Stat., c. 59.

4. Every vacating certificate registered prior to the 1st day of January, 1944, and purporting to have been registered pursuant to *The Department of Municipal Affairs Act*, and the registration thereof, are hereby confirmed and declared to be legal, valid and binding, and shall be deemed to have had the effect of vesting in the registered owner at the time of registration of the tax arrears certificate, his heirs or assigns, his original estate, right, title and interest in the land described therein.

Pending litigation not affected.

5. This Act shall not affect or prejudice any right of any person in any action, litigation or other proceeding now pending, and any such action, litigation or other proceeding may be continued and finally adjudicated in the same manner and to the same extent as if this Act had not been passed.

Saving as to rights of Crown.

6. This Act shall not affect or defeat the Crown with respect to its interest in any land which, or any interest in which, has been sold for taxes, or against which, or any interest in which, a tax arrears certificate has been registered.

Short title.

7. This Act may be cited as *The Tax Sales Confirmation Act, 1944*.

An Act to confirm Tax Sales.

1st Reading

March 7th, 1944

2nd Reading

3rd Reading

MR. DUNBAR

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to confirm Tax Sales.

MR. DUNBAR

BILL

An Act to confirm Tax Sales.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follow:

Tax sales
and tax
deeds con-
firmed.

1.—(1) All sales of land held prior to the 1st day of January, 1943, and purporting to have been made for arrears of taxes payable to a municipal corporation or to the school board of a school section in an unorganized township, with respect to the land so sold, are confirmed and declared to be legal, valid and binding, and every conveyance of land so sold purporting to have been executed as required by *The Assessment Act* and purporting to convey such land to the purchaser thereof, his heirs and assigns, or its successors and assigns, is also confirmed and declared to be legal, valid and binding and shall be deemed to have had the effect of vesting such land in the purchaser, his heirs, assigns or legal representatives, in fee simple or otherwise, according to the nature of the estate or interest sold, clear of and free from all right and interest of the owner thereof at the time of such sale and clear of and free from all charges and encumbrances thereon and dower therein except taxes accruing after those for non-payment of which such land was so sold.

Applica-
tion of
section.

(2) Subsection 1 shall have force and effect with respect to all such sales of land held and all such conveyances executed on or after the 1st day of January, 1940, only where the treasurer has complied with subsection 2 of section 178 of *The Assessment Act* and a statutory declaration of the treasurer as to such compliance shall be conclusive proof thereof.

Rev. Stat.,
c. 272.

Statutory
declaration.

(3) The statutory declaration mentioned in subsection 2 shall be affixed to and form part of the tax deed from the municipal corporation to the purchaser of the land in respect of which such declaration was made, and where the tax deed has been registered the treasurer shall deposit the declaration in the proper registry or land titles office.

(4) Notwithstanding the provisions of this or any other Act, where the land which has been sold for taxes has been purchased by the municipal corporation and the period for redemption has expired and where such land has not been sold or conveyed by the municipal corporation, any person to whom notice was sent under subsection 2 of section 178 of *The Assessment Act* shall at any time, with the approval of the Department of Municipal Affairs, be entitled to a conveyance of such land from the municipal corporation upon payment to the treasurer thereof of the full amount which would have been payable in respect of taxes had the land not been sold for taxes, together with the costs in connection with such sale and of such conveyance.

Conveyance
to former
owner,
etc.

Rev. Stat.,
c. 272.

2.—(1) Every tax arrears certificate that was registered prior to the 1st day of January, 1943, that purports to have been registered pursuant to *The Department of Municipal Affairs Act* and that is now outstanding, and the registration thereof, are confirmed and declared to be legal, valid and binding, and shall be deemed to have had the effect of vesting on the day of such registration the land therein described in the corporation of the municipality in which the land is situate, its successors and assigns, in fee simple, clear of and free from all other estate, right, title or interest, and of all charges or encumbrances thereon and dower therein.

Registered
tax arrears
certificates
confirmed.

Rev. Stat.,
c. 59.

(2) Subsection 1 shall have force and effect with respect to all such certificates registered on or after the 1st day of January, 1940, only where the treasurer has complied with subsection 4 of section 43 of *The Department of Municipal Affairs Act* and a statutory declaration of the treasurer as to such compliance shall be conclusive proof thereof.

Application
of section.

Rev. Stat.,
c. 59.

(3) The statutory declaration mentioned in subsection 2 shall be affixed to and form part of the deed of conveyance from the municipal corporation to the purchaser of the land in respect of which the declaration was made and where the deed of conveyance has been registered the treasurer shall deposit the declaration in the proper registry or land titles office.

Statutory
declaration.

(4) Notwithstanding the provisions of this or any other Act, where the land with respect to which a tax arrears certificate has been registered has become vested in the municipal corporation and the period for redemption has expired and where such land has not been sold or conveyed by the municipal corporation, any person to whom notice was sent under subsection 4 of section 43 of *The Department of Municipal Affairs Act* shall at any time, with the approval of the Department of Municipal Affairs, be entitled to a conveyance of such land from the municipal corporation upon payment

Conveyance
to former
owner,
etc.

Rev. Stat.,
c. 59.

to the treasurer thereof of the full amount which would have been payable in respect of taxes had the land not become vested in the municipal corporation, together with the costs in connection with such vesting and of such conveyance.

Registered
redemption
certificates
confirmed.

Rev. Stat.,
c. 59.

3. Every redemption certificate registered prior to the 1st day of January, 1944, and purporting to have been registered pursuant to *The Department of Municipal Affairs Act*, and the registration thereof, are hereby confirmed and declared to be legal, valid and binding, and shall be deemed to have had the effect of vesting in the registered owner at the time of registration of the tax arrears certificate, his heirs or assigns, his original estate, right, title or interest in the land described therein, and of cancelling the tax arrears certificate registered with respect to such land.

Registered
vacating
certificates
confirmed.

Rev. Stat.,
c. 59.

4. Every vacating certificate registered prior to the 1st day of January, 1944, and purporting to have been registered pursuant to *The Department of Municipal Affairs Act*, and the registration thereof, are hereby confirmed and declared to be legal, valid and binding, and shall be deemed to have had the effect of vesting in the registered owner at the time of registration of the tax arrears certificate, his heirs or assigns, his original estate, right, title and interest in the land described therein.

Pending
litigation
not affected.

5. This Act shall not affect or prejudice any right of any person in any action, litigation or other proceeding now pending, and any such action, litigation or other proceeding may be continued and finally adjudicated in the same manner and to the same extent as if this Act had not been passed.

Saving as to
rights of
Crown.

6. This Act shall not affect or defeat the Crown with respect to its interest in any land which, or any interest in which, has been sold for taxes, or against which, or any interest in which, a tax arrears certificate has been registered.

Short title.

7. This Act may be cited as *The Tax Sales Confirmation Act, 1944*.

An Act to confirm Tax Sales.

1st Reading

March 7th, 1944

2nd Reading

March 10th, 1944

3rd Reading

March 14th, 1944

MR. DUNBAR

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Transportation of Fowl Act.

MR. GOODFELLOW

BILL

An Act to amend The Transportation of Fowl Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 336, s. 7,
amended.

1. Section 7 of *The Transportation of Fowl Act* is amended by inserting after the word "and" where it occurs the second time in the sixth line the words "whether or not he is transporting fowl, he", so that the said section shall now read as follows:

When permit
and entry
book to be
carried and
produced.

7. The holder of a permit shall carry with him at all times when he is transporting fowl his permit and a book in which he shall enter at the time he receives them the number and kind of fowl and the name and address of the person from whom he received them, and to whom he is to deliver them, and in case of a purchase the price paid and, whether or not he is transporting fowl, he shall produce the permit and the book when required by a constable or peace officer.

Short title.

2. This Act may be cited as *The Transportation of Fowl Amendment Act, 1944*.

EXPLANATORY NOTES

Under the present section 7 a person can be required by a constable to produce his permit and entry book only when he is transporting fowl.

Under the section as amended a person may be required to produce his permit and entry book at any time.

The amendment is made with a view of facilitating the police in apprehending chicken thieves and those who unlawfully receive stolen fowl.

BILL

An Act to amend The Transportation of Fowl Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 336, s. 7,
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1. Section 7 of *The Transportation of Fowl Act* is amended by inserting after the word "and" where it occurs the second time in the sixth line the words "whether or not he is transporting fowl, he", so that the said section shall now read as follows:

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Short title.

2. This Act may be cited as *The Transportation of Fowl Amendment Act, 1944*.

An Act to amend The Transportation
of Fowl Act.

1st Reading

March 8th, 1944

2nd Reading

March 30th, 1944

3rd Reading

April 5th, 1944

MR. GOODFELLOW

No. 52

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act respecting Agricultural Committees.

MR. KENNEDY

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting Agricultural Committees.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation,—

1. In this Act,—

"agricultural organization";

(a) "agricultural organization" shall include agricultural co-operative, agricultural association, agricultural society and agricultural club and any branch thereof;

"agricultural representative";
Rev. Stat.,
c. 83.

(b) "agricultural representative" shall mean an agricultural representative appointed under *The Agricultural Representatives Act*;

"Department";

(c) "Department" shall mean Department of Agriculture; and

"Minister".

(d) "Minister" shall mean Minister of Agriculture.

Committee,
name of.

2.—(1) A committee consisting of not more than fifteen persons may be formed in any county or district, and the name of every such committee shall bear the name of such county or district.

One Committee for two counties or districts.

(2) Where only one agricultural representative has been appointed for two counties or districts, one committee may be formed for the two counties or districts.

Organization.

3.—(1) Where an agricultural representative in a county or district receives written notice from any three or more agricultural organizations within his county or district requesting the organization of an agricultural committee, he shall forthwith call a general meeting of representatives of the agricultural organizations in the county or district for the purpose of forming a committee.

Selection of committee.

(2) At the meeting a committee of not more than thirteen persons shall be selected by such mode as may be determined

EXPLANATORY NOTE

The Act provides for the organization of county and district agricultural committees of not more than fifteen members comprising representatives of the various organizations within the county or district, a member appointed by the member or members of the Legislature whose electoral district or districts include any rural part of the county or district, and in the case of a county, a member appointed by the county council. In the case of a district, the Minister may appoint one member.

The local agricultural representative is the secretary-treasurer of the committee.

The objects and purposes of such committees are set out in section 8 and in this regard sections 9 and 10 are relevant.

at the meeting for the current year or until their successors are selected and every agricultural organization shall be entitled to at least one representative on the committee, unless there are more than thirteen agricultural organizations represented at the meeting, in which event one person may be selected as the representative of two or more agricultural organizations.

Chairman,
vice-
chairman.

(3) The committee so selected shall appoint an acting chairman and acting vice-chairman from among themselves and the agricultural representative shall be the acting secretary-treasurer of the committee.

Report to
Minister.

(4) A report of the meeting, certified by the acting chairman and the acting secretary-treasurer showing the names of the agricultural organizations represented at the meeting and the names and addresses of the persons selected as members of the committee, together with such other information as the Minister may require, shall be forwarded to the Minister within ten days after the holding of the meeting.

Committee
declared
agricultural
committee.

4.—(1) Upon receipt of the report mentioned in section 3 the Minister may declare such committee to be an agricultural committee.

Members.

(2) The members of the committee shall be members of the agricultural committee and the agricultural representative shall be the secretary-treasurer.

Appoint-
ment of
members,—

5.—(1) One member may be appointed to the committee by the member or members of the Legislature whose electoral district or districts include any rural part of the county or district and such member shall hold office during pleasure.

in county;

(2) In the case of a county agricultural committee one member may be appointed annually by the county council.

in district.

(3) In the case of a district agricultural committee one member may be appointed by the Minister and shall hold office during pleasure.

Who to be
members of
committee.

6. No person shall be selected or appointed as a member of a committee except a farmer, farm woman, retired farmer, farm youth or an official of an agricultural organization.

Annual
meeting.

7. The agricultural representative shall call an annual meeting of representatives of all agricultural organizations in the county or district and members of the agricultural committee for the ensuing year shall be selected and a chairman and vice-chairman shall be elected thereat in such manner as may be prescribed by the rules of the agricultural committee.

Objects and purposes.

8. The objects and purposes of an agricultural committee shall be to,—

- (a) co-operate with and make suggestions to the agricultural representative;
- (b) consider and make recommendations to appropriate authorities with respect to soil conservation, reforestation, weed control, health of animals, plant diseases, crop production, marketing problems and other matters which are deemed advisable for the improvement of agriculture within the county or district;
- (c) co-ordinate the undertakings of the various agricultural organizations in the county or district; and
- (d) assist in promoting farm youth activities within the county or district.

Assignment of undertakings.

9. The Minister may assign to any committee any matter or undertaking which he may consider of special interest to agriculture.

Promotion of matter or undertaking.

10. An agricultural committee may initiate or promote any matter or undertaking for the purpose of improving agriculture.

Registration of producers.

11. Subject to the approval of the Minister an agricultural committee may require producers of any agricultural product within the county or district to register their names and addresses with the secretary-treasurer and to furnish such information respecting the production other than cost, of such agricultural product as the agricultural committee may determine.

Executive committee.

12. An agricultural committee may establish an executive committee to consist of three or five members for such purposes as the committee may determine.

Regulations.

13. The Lieutenant-Governor in Council, upon the recommendation of the Minister, may make such regulations as may be deemed necessary for carrying out the intent and purpose of the Act.

Expenses of Committee.

14. Subject to the approval of the Minister, the travelling expenses of the members shall be paid out of such moneys as may be appropriated by the Legislature.

Commencement of Act.

15. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

16. This Act may be cited as *The Agricultural Committees Act, 1944*.

An Act respecting Agricultural
Committees.

1st Reading

March 10th, 1944

2nd Reading

3rd Reading

MR. KENNEDY

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act respecting Agricultural Committees.

MR. KENNEDY

TORONTO

PRINTED BY T. E. BOWMAN

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting Agricultural Committees.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation,—

1. In this Act,—

"agricultural organization";

(a) "agricultural organization" shall include agricultural co-operative, agricultural association, agricultural society and agricultural club and any branch thereof;

"agricultural representative";
Rev. Stat.,
c. 83.

(b) "agricultural representative" shall mean an agricultural representative appointed under *The Agricultural Representatives Act*;

"Department";

(c) "Department" shall mean Department of Agriculture; and

"Minister".

(d) "Minister" shall mean Minister of Agriculture.

Committee,
name of.

2.—(1) A committee consisting of not more than fifteen persons may be formed in any county or district, and the name of every such committee shall bear the name of such county or district.

One Committee for two counties or districts.

(2) Where only one agricultural representative has been appointed for two counties or districts, one committee may be formed for the two counties or districts.

Organization.

3.—(1) Where an agricultural representative in a county or district receives written notice from any three or more agricultural organizations within his county or district requesting the organization of an agricultural committee, he shall forthwith call a general meeting of representatives of the agricultural organizations in the county or district for the purpose of forming a committee.

Selection of committee.

(2) At the meeting a committee of not more than thirteen persons shall be selected by such mode as may be determined

at the meeting for the current year or until their successors are selected and every agricultural organization shall be entitled to at least one representative on the committee, unless there are more than thirteen agricultural organizations represented at the meeting, in which event one person may be selected as the representative of two or more agricultural organizations.

(3) The committee so selected shall appoint an acting chairman and acting vice-chairman from among themselves and the agricultural representative shall be the acting secretary-treasurer of the committee. Chairman, vice-chairman.

(4) A report of the meeting, certified by the acting chairman and the acting secretary-treasurer showing the names of the agricultural organizations represented at the meeting and the names and addresses of the persons selected as members of the committee, together with such other information as the Minister may require, shall be forwarded to the Minister within ten days after the holding of the meeting. Report to Minister.

4.—(1) Upon receipt of the report mentioned in section 3 the Minister may declare such committee to be an agricultural committee. Committee declared agricultural committee.

(2) The members of the committee shall be members of the agricultural committee and the agricultural representative shall be the secretary-treasurer. Members.

5.—(1) One member may be appointed to the committee by the member or members of the Legislature whose electoral district or districts include any rural part of the county or district and such member shall hold office during pleasure. Appointment of members.—

(2) In the case of a county agricultural committee one member may be appointed annually by the county council. in county;

(3) In the case of a district agricultural committee one member may be appointed by the Minister and shall hold office during pleasure. in district.

6. No person shall be selected or appointed as a member of a committee except a farmer, farm woman, retired farmer, farm youth or an official of an agricultural organization. Who to be members of committee.

7. The agricultural representative shall call an annual meeting of representatives of all agricultural organizations in the county or district and members of the agricultural committee for the ensuing year shall be selected and a chairman and vice-chairman shall be elected thereat in such manner as may be prescribed by the rules of the agricultural committee. Annual meeting.

Objects and
purposes.

8. The objects and purposes of an agricultural committee shall be to,—

- (a) co-operate with and make suggestions to the agricultural representative;
- (b) consider and make recommendations to appropriate authorities with respect to soil conservation, reforestation, weed control, health of animals, plant diseases, crop production, marketing problems and other matters which are deemed advisable for the improvement of agriculture within the county or district;
- (c) co-ordinate the undertakings of the various agricultural organizations in the county or district; and
- (d) assist in promoting farm youth activities within the county or district.

Assignment
of under-
takings.

9. The Minister may assign to any committee any matter or undertaking which he may consider of special interest to agriculture.

Promotion
of matter
or under-
taking.

10. An agricultural committee may initiate or promote any matter or undertaking for the purpose of improving agriculture.

Registration
of producers.

11. Subject to the approval of the Minister an agricultural committee may require producers of any agricultural product within the county or district to register their names and addresses with the secretary-treasurer and to furnish such information respecting the production other than cost, of such agricultural product as the agricultural committee may determine.

Executive
committee.

12. An agricultural committee may establish an executive committee to consist of three or five members for such purposes as the committee may determine.

Regulations.

13. The Lieutenant-Governor in Council, upon the recommendation of the Minister, may make such regulations as may be deemed necessary for carrying out the intent and purpose of the Act.

Expenses of
Committee.

14. Subject to the approval of the Minister, the travelling expenses of the members shall be paid out of such moneys as may be appropriated by the Legislature.

Commence-
ment of Act.

15. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

16. This Act may be cited as *The Agricultural Committees Act, 1944.*

An Act respecting Agricultural
Committees.

1st Reading

March 10th, 1944.

2nd Reading

March 15th, 1944

3rd Reading

April 3rd, 1944

MR. KENNEDY

No. 53

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

The Cheese and Hog Subsidy Act, 1944.

MR. KENNEDY

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

The Cheese and Hog Subsidy Act, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1941, c. 11
continued
in force.

1942, c. 6;
1943, c. 3.

1. Notwithstanding anything contained in section 6 of *The Cheese and Hog Subsidy Act, 1941*, *The Cheese and Hog Subsidy Act, 1942*, or *The Cheese and Hog Subsidy Act, 1943*, all the provisions of *The Cheese and Hog Subsidy Act, 1941*, shall continue in force and have effect until the 31st day of March, 1945.

Commence-
ment of Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent and shall have effect on and after the 1st day of April, 1944, and shall remain in force and have effect until the 31st day of March, 1945.

Short title.

3. This Act may be cited as *The Cheese and Hog Subsidy Act, 1944*.

EXPLANATORY NOTE

This Act further extends the provisions of *The Cheese and Hog Subsidy Act, 1941*, until the 31st day of March, 1945. The Act by its own provisions expired on the 31st day of March, 1942. At subsequent sessions of the Legislature it was extended on two occasions for a period of one year and under the terms of the present extending Act it will expire on the 31st day of March, 1944.

The Cheese and Hog Subsidy Act, 1944.

1st Reading

March 13th, 1944

2nd Reading

3rd Reading

MR. KENNEDY

No. 53

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

The Cheese and Hog Subsidy Act, 1944.

MR. KENNEDY

TORONTO
PRINTED BY T. E. BOWMAN
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No. 53

1944

BILL

The Cheese and Hog Subsidy Act, 1944.

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1941, c. 11
continued
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1942, c. 6;
1943, c. 3.

1. Notwithstanding anything contained in section 6 of *The Cheese and Hog Subsidy Act, 1941*, *The Cheese and Hog Subsidy Act, 1942*, or *The Cheese and Hog Subsidy Act, 1943*, all the provisions of *The Cheese and Hog Subsidy Act, 1941*, shall continue in force and have effect until the 31st day of March, 1945.

Commence-
ment of Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent and shall have effect on and after the 1st day of April, 1944, and shall remain in force and have effect until the 31st day of March, 1945.

Short title.

3. This Act may be cited as *The Cheese and Hog Subsidy Act, 1944*.

1st Reading

March 13th, 1944

2nd Reading

March 15th, 1944

3rd Reading

March 20th, 1944

MR. KENNEDY

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Credit Unions Act, 1940.

MR. KENNEDY

No. 54

1944

BILL

An Act to amend The Credit Unions Act, 1940.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1940,
c. 7, s. 15,
subs. 2 re-
enacted.

1. Subsection 2 of section 15 of *The Credit Unions Act, 1940*, is repealed and the following substituted therefor:

By
resolution.

(2) Subject to the approval of the Minister, a credit union may by resolution approved by two-thirds of the members present at a general meeting called for that purpose, change its name.

1940,
c. 7, s. 25,
cl. a re-
enacted.

2. Clause *a* of section 25 of *The Credit Unions Act, 1940*, is repealed and the following substituted therefor:

(a) the names and addresses of the members and the number of shares held by each member.

1940, c. 7,
s. 27, subs. 1,
amended.

3. Subsection 1 of section 27 of *The Credit Unions Act, 1940*, is amended by adding at the end thereof the following words:

“provided that where at the close of any fiscal year the amount set aside for the guarantee fund equals at least ten per centum of the total amount received from members on deposit and as payment for shares, the directors may, subject to the approval of two-thirds of the members present at the annual meeting, direct that no moneys be set aside for the guarantee fund for the then current year”

so that the said subsection shall now read as follows:

Guarantee
fund.

(1) Every credit union shall set aside at least twenty per centum of its yearly net profits as a guarantee fund to meet losses, and the fund shall be held as a reserve against uncollectible loans and losses, provided that where at the close of any fiscal year the amount set aside for the guarantee fund equals at

Proviso.

EXPLANATORY NOTES

SECTION 1. Subsection 2 of section 15 of the Act has been re-enacted to provide that two-thirds of the members present at a general meeting instead of two-thirds of the members, may pass a resolution to change the name of a credit union.

SECTION 2. Clause *a* of section 25 of the Act has been re-enacted in order to conform with the present practice of credit unions.

SECTION 3. Self-explanatory.

least ten per centum of the total amount received from members on deposit and as payment for shares, the directors may, subject to the approval of two-thirds of the members present at the annual meeting, direct that no moneys be set aside for the guarantee fund for the then current year.

1940, c. 7,
s. 30, subs. 2,
amended. 4. Section 30 of *The Credit Unions Act, 1940*, is amended by adding thereto the following subsection:

When
approval not
required.

- (3) The committee may upon such terms as it may determine authorize the treasurer or manager to make loans in amounts not exceeding twenty-five dollars for periods of not exceeding one month without obtaining the approval of the committee.

1940,
c. 7, s. 35,
re-enacted. 5. Section 35 of *The Credit Unions Act, 1940*, is repealed and the following substituted therefor:

Borrowing
money.

35. The board of directors of a credit union may pass resolutions for borrowing money, provided that nothing in this section or sections 36 to 38 shall apply to loans made upon the security of promissory notes, bills of exchange, or other securities of a commercial nature issued in the ordinary course of business.

1940, c. 7,
ss. 39, 40,
re-enacted. 6. Sections 39 and 40 of *The Credit Unions Act, 1940*, and the heading immediately preceding the said sections are repealed and the following substituted therefor:

Death of Member.

Member
may appoint
successor.

- 39.—(1) A member of a credit union, having on deposit and as payment for shares, an amount not exceeding \$500 may, by a writing signed by him and deposited with the credit union, nominate any person to receive the money at his death.

Substitution
of nominee
on death of
member.

- (2) Upon receiving an affidavit of the death of a member the directors of the credit union may substitute on the books of the credit union the name of the nominee in place of the deceased member or may immediately pay to the nominee the amount due to the deceased member.

Disposition
of moneys
of intestate
member.

- 40.—(1) If a member of a credit union, having on deposit and as payment for shares, an amount not exceeding \$500 dies intestate without making a nomination as provided in section 39, the amount may, without letters of administration being taken out, be paid to

SECTION 4. Under the proposed amendment, the treasurer or manager may be authorized to make loans to members up to \$25 without obtaining the approval of the credit committee.

SECTION 5. Section 35 of the Act has been re-enacted in order to clarify its meaning.

SECTION 6. The present sections 39 and 40 of the Act serve no useful purpose and accordingly they are repealed and in their place is enacted two sections similar to sections 77, 78 and 79 of *The Loan and Trust Corporations Act*.

Rev. Stat.,
c. 163.

the person who appears to the directors to be entitled thereto under *The Devolution of Estates Act* upon receiving an affidavit of the death and intestacy and that the person claiming is so entitled.

Payment by
mistake,
when valid.

- (2) When the directors, after the death of a member, have paid such amount to the person who at the time appeared to be entitled thereto under the belief that the member died intestate without having appointed any nominee, the payment shall be valid and effectual with respect to any demands from any other person as next of kin or as the lawful representative of the deceased against the credit union, but the next of kin or representative shall be entitled to recover the amount of such payment from the person who received it.

1940, c. 7,
s. 41, subs. 3,
cls. g, i and
j, repealed.

7. Clauses g, i and j of subsection 3 of section 41 of *The Credit Unions Act, 1940*, are repealed.

Short title.

8. This Act may be cited as *The Credit Unions Amendment Act, 1944*.

SECTION 7. Clauses *g*, *i* and *j* of subsection 3 of section 41 of the Act are impractical and accordingly the clauses are repealed.

An Act to amend The Credit Unions
Act, 1940.

1st Reading

March 13th, 1944

2nd Reading

3rd Reading

MR. KENNEDY

No. 54

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Credit Unions Act, 1940.

MR. KENNEDY

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 54

1944

BILL

An Act to amend The Credit Unions Act, 1940.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1940,
c. 7, s. 15,
subs. 2 re-
enacted.

1. Subsection 2 of section 15 of *The Credit Unions Act, 1940*, is repealed and the following substituted therefor:

By
resolution.

(2) Subject to the approval of the Minister, a credit union may by resolution approved by two-thirds of the members present at a general meeting called for that purpose, change its name.

1940,
c. 7, s. 25,
cl. a re-
enacted.

2. Clause *a* of section 25 of *The Credit Unions Act, 1940*, is repealed and the following substituted therefor:

(a) the names and addresses of the members and the number of shares held by each member.

1940, c. 7,
s. 27, subs. 1,
amended.

3. Subsection 1 of section 27 of *The Credit Unions Act, 1940*, is amended by adding at the end thereof the following words:

"provided that where at the close of any fiscal year the amount set aside for the guarantee fund equals at least ten per centum of the total amount received from members on deposit and as payment for shares, the directors may, subject to the approval of two-thirds of the members present at the annual meeting, direct that no moneys be set aside for the guarantee fund for the then current year"

so that the said subsection shall now read as follows:

Guarantee
fund.

(1) Every credit union shall set aside at least twenty per centum of its yearly net profits as a guarantee fund to meet losses, and the fund shall be held as a reserve against uncollectible loans and losses, provided that where at the close of any fiscal year the amount set aside for the guarantee fund equals at

Proviso.

least ten per centum of the total amount received from members on deposit and as payment for shares, the directors may, subject to the approval of two-thirds of the members present at the annual meeting, direct that no moneys be set aside for the guarantee fund for the then current year.

4. Section 30 of *The Credit Unions Act, 1940*, is amended <sup>1940, c. 7,
s. 30,
amended.</sup> by adding thereto the following subsection:

- (3) The committee may upon such terms as it may determine authorize the treasurer or manager to make loans in amounts not exceeding twenty-five dollars for periods of not exceeding one month without obtaining the approval of the committee. <sup>When
approval not
required.</sup>

5. Section 35 of *The Credit Unions Act, 1940*, is repealed <sup>1940,
c. 7, s. 35,
re-enacted.</sup> and the following substituted therefor:

35. The board of directors of a credit union may pass resolutions for borrowing money, provided that nothing in this section or sections 36 to 38 shall apply to loans made upon the security of promissory notes, bills of exchange, or other securities of a commercial nature issued in the ordinary course of business. <sup>Borrowing
money.</sup>

6. Sections 39 and 40 of *The Credit Unions Act, 1940*, <sup>1940, c. 7,
ss. 39, 40,
re-enacted.</sup> and the heading immediately preceding the said sections are repealed and the following substituted therefor:

Death of Member.

- 39.—(1) A member of a credit union, having on deposit and as payment for shares, an amount not exceeding \$500 may, by a writing signed by him and deposited with the credit union, nominate any person to receive the money at his death. <sup>Member
may appoint
successor.</sup>

- (2) Upon receiving an affidavit of the death of a member the directors of the credit union may substitute on the books of the credit union the name of the nominee in place of the deceased member or may immediately pay to the nominee the amount due to the deceased member. <sup>Substitution
of nominee
on death of
member.</sup>

- 40.—(1) If a member of a credit union, having on deposit and as payment for shares, an amount not exceeding \$500 dies intestate without making a nomination as provided in section 39, the amount may, without letters of administration being taken out, be paid to <sup>Disposition
of moneys
of intestate
member.</sup>

Rev. Stat.,
c. 163.

the person who appears to the directors to be entitled thereto under *The Devolution of Estates Act* upon receiving an affidavit of the death and intestacy and that the person claiming is so entitled.

Payment by
mistake,
when valid.

- (2) When the directors, after the death of a member, have paid such amount to the person who at the time appeared to be entitled thereto under the belief that the member died intestate without having appointed any nominee, the payment shall be valid and effectual with respect to any demands from any other person as next of kin or as the lawful representative of the deceased against the credit union, but the next of kin or representative shall be entitled to recover the amount of such payment from the person who received it.

1940, c. 7,
s. 41, subs. 3,
cls. g, i and
j, repealed.

7. Clauses g, i and j of subsection 3 of section 41 of *The Credit Unions Act, 1940*, are repealed.

Short title.

8. This Act may be cited as *The Credit Unions Amendment Act, 1944*.





An Act to amend The Credit Unions
Act, 1940.

1st Reading

March 13th, 1944

2nd Reading

March 15th, 1944

3rd Reading

March 30th, 1944

MR. KENNEDY

No. 55

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Milk Control Act.

MR. LOCKHART

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 55

1944

BILL

An Act to amend The Milk Control Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 76, s. 11,
amended.

1. Section 11 of *The Milk Control Act* is amended by adding thereto the following subsection:

Co-operative
corporations.

(2) This section shall not apply to co-operative corporations incorporated under Part XII of *The Companies Act*.

Short title.

2. This Act may be cited as *The Milk Control Amendment Act, 1944*.

EXPLANATORY NÔTE

The amendment permits a co-operative corporation to pay patronage dividends in respect of the sale of milk.

An Act to amend The Milk Control Act.

1st Reading

March 14th, 1944

2nd Reading

3rd Reading

MR. LOCKHART

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

n Act respecting the Guardianship of the Dionne Quintuplets.

MR. BLACKWELL

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



BILL

An Act respecting the Guardianship of the Dionne Quintuplets.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpre-
tation,—

1. In this Act,—

"Court";

(a) "Court" shall mean the Supreme Court of Ontario;

"Guardian";

(b) "Guardian" shall mean Oliva Dionne in his capacity as guardian of the quintuplets and shall be distinguished from "guardians" which shall include persons who have been guardians during the period commencing the 1st day of April, 1942, and concluding the 30th day of June, 1944;

"Master";

(c) "Master" shall mean Master of the Supreme Court of Ontario and shall include an assistant master; and

"quintuplets".

(d) "quintuplets" shall mean Yvonne Dionne, Annette Dionne, Marie Dionne, Cecile Dionne and Emilie Dionne, the quintuplet daughters of Oliva Dionne and Elzire Dionne, who were born on the 29th day of May, 1934.

Guardian.

2. The father of the quintuplets, Oliva Dionne, shall be their Guardian from and after the 1st day of July, 1944, and until they reach the full age of twenty-one years.

Accounts
of guardians.

3.—(1) The accounts of the guardians for the period from the 31st day of March, 1942, which is the concluding day of the last period for which accounts were passed, to the 30th day of June, 1944, shall not later than the 31st day of July, 1944, be brought before the Master for the purpose of making a just and true accounting of their guardianship.

EXPLANATORY NOTE

The Bill vests the guardianship of the Dionne Quintuplets in their father, Oliva Dionne, and repeals existing legislation relating to the quintuplets and their guardianship. In providing for the passing of the accounts of the present guardians, the payment out of Court of amounts required for the maintenance of the quintuplets and similar matters, the established practice of the Court is prescribed. The only exception to this principle is the provision in section 5, requiring approval of the Court of all contracts hereafter entered into or renewed. Each of the sections is self-explanatory.

Guardians
to be
discharged
from claims
and
demands.

(2) The guardians shall be fully discharged and freed from all claims and demands connected with or arising out of their guardianship upon,—

- (a) the confirmation of the Master's report pursuant to the practice of the Court in that behalf;
- (b) the deposit with the accountant of the Court of all contracts and documents of title belonging to the quintuplets, which shall be held in safe keeping by the accountant for the quintuplets; and
- (c) the payment into Court of all bonds, securities and moneys belonging to the quintuplets, which shall be deposited to the credit of the quintuplets.

Orders
and direc-
tions of
Master.

4. The Master may make all such orders and give all such directions as may be requisite in connection with the transfer of the assets and the winding up of the guardianship now in existence.

Contracts,
etc.,
approval of
Master.

5. The Guardian may, with the approval of the Master, enter into any contract or renew any existing contract relating to the quintuplets and all moneys payable under any such contract or renewal shall be paid into court to the credit of the quintuplets.

Annual
statement of
Guardian.

6.—(1) The Guardian shall annually prepare a detailed statement showing all amounts which will be required for the purposes of the quintuplets during the ensuing year and may make application to the Master for recommendations for payment out of court of such amounts as may be required.

Recommen-
dation of
Master to be
reviewed.

(2) The recommendation of the Master shall be reviewed by a judge of the Court in Chambers and payment out of Court may be ordered of such amounts as are deemed necessary.

Notice of
application.

7. At least ten days' notice in writing of any application made to the Master under section 5 or 6 shall be given to the Official Guardian.

Interest in
property.

8. Each of the quintuplets shall be deemed to be the owner, separately and in her own right, of a one-fifth undivided interest in any property belonging to the quintuplets or to which they are or may become entitled.

1935, c. 19;
1937, c. 19;
1941, c. 55,
s. 9, re-
pealed.

9. Except so far as may be necessary for the auditing and passing of the accounts and the transfer of assets to the Guardian and any like purpose, *The Dionne Quintuplet Guardianship Act, 1935, The Dionne Quintuplet Guardianship*

Amendment Act, 1937, and section 9 of *The Statute Law Amendment Act, 1941*, are repealed as from the 1st day of July, 1944.

Commence-
ment of Act.

10. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

11. This Act may be cited as *The Dionne Quintuplet Guardianship Act, 1944*.

An Act respecting the Guardianship of the
Dionne Quintuplets.

1st Reading

March 14th, 1944

2nd Reading

3rd Reading

MR. BLACKWELL

No. 56

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act respecting the Guardianship of the Dionne Quintuplets.

MR. BLACKWELL

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the Guardianship of the Dionne Quintuplets.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpre-
tation,—

1. In this Act,—

"Court";

(a) "Court" shall mean the Supreme Court of Ontario;

"Guardian";

(b) "Guardian" shall mean Oliva Dionne in his capacity as guardian of the quintuplets and shall be distinguished from "guardians" which shall include persons who have been guardians during the period commencing the 1st day of April, 1942, and concluding the 30th day of June, 1944;

"Master";

(c) "Master" shall mean Master of the Supreme Court of Ontario and shall include an assistant master; and

"quintu-
plets".

(d) "quintuplets" shall mean Yvonne Dionne, Annette Dionne, Marie Dionne, Cecile Dionne and Emilie Dionne, the quintuplet daughters of Oliva Dionne and Elzire Dionne, who were born on the 29th day of May, 1934.

Guardian.

2. The father of the quintuplets, Oliva Dionne, shall be their Guardian from and after the 1st day of July, 1944, and until they reach the full age of twenty-one years.

Accounts
of guardians.

3.—(1) The accounts of the guardians for the period from the 31st day of March, 1942, which is the concluding day of the last period for which accounts were passed, to the 30th day of June, 1944, shall not later than the 31st day of July, 1944, be brought before the Master for the purpose of making a just and true accounting of their guardianship.

(2) The guardians shall be fully discharged and freed from all claims and demands connected with or arising out of their guardianship upon,—

Guardians to be discharged from claims and demands.

- (a) the confirmation of the Master's report pursuant to the practice of the Court in that behalf;
- (b) the deposit with the accountant of the Court of all contracts and documents of title belonging to the quintuplets, which shall be held in safe keeping by the accountant for the quintuplets; and
- (c) the payment into Court of all bonds, securities and moneys belonging to the quintuplets, which shall be deposited to the credit of the quintuplets.

4. The Master may make all such orders and give all such directions as may be requisite in connection with the transfer of the assets and the winding up of the guardianship now in existence.

Orders and directions of Master.

5. The Guardian may, with the approval of the Master, enter into any contract or renew any existing contract relating to the quintuplets and all moneys payable under any such contract or renewal shall be paid into court to the credit of the quintuplets.

Contracts, etc., approval of Master.

6.—(1) The Guardian shall annually prepare a detailed statement showing all amounts which will be required for the purposes of the quintuplets during the ensuing year and may make application to the Master for recommendations for payment out of court of such amounts as may be required.

Annual statement of Guardian.

(2) The recommendation of the Master shall be reviewed by a judge of the Court in Chambers and payment out of Court may be ordered of such amounts as are deemed necessary.

Recommendation of Master to be reviewed.

7. At least ten days' notice in writing of any application made to the Master under section 5 or 6 shall be given to the Official Guardian.

Notice of application.

8. Each of the quintuplets shall be deemed to be the owner, separately and in her own right, of a one-fifth undivided interest in any property belonging to the quintuplets or to which they are or may become entitled.

Interest in property.

9. Except so far as may be necessary for the auditing and passing of the accounts and the transfer of assets to the Guardian and any like purpose, *The Dionne Quintuplet Guardianship Act, 1935, The Dionne Quintuplet Guardianship*

1935, c. 19;
1937, c. 19;
1941, c. 55,
s. 9, repealed.

Amendment Act, 1937, and section 9 of *The Statute Law Amendment Act, 1941*, are repealed as from the 1st day of July, 1944.

Commence-
ment of Act. **10.** This Act shall come into force on the day upon which it receives the Royal Assent.

Short title. **11.** This Act may be cited as *The Dionne Quintuplet Guardianship Act, 1944*.



An Act respecting the Guardianship of the
Dionne Quintuplets.

1st Reading

March 14th, 1944

2nd Reading

March 15th, 1944

3rd Reading

March 20th, 1944

MR. BLACKWELL

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to enable Municipalities to establish Health Services.

MR. VIVIAN

BILL

An Act to enable Municipalities to establish
Health Services.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpreta-
tion.

1. In this Act,—

“Board”;

(a) “Board” shall mean the Ontario Municipal Health Services Board established under this Act;

“Minister”;

(b) “Minister” shall mean the Minister of Health;

“municipality”;

(c) “municipality” shall mean local municipality as defined in *The Municipal Act* and shall include an improvement district, and a school section in an unorganized township or unsurveyed territory; and

“municipal health services.”

(d) “municipal health services” shall have the meaning prescribed in the regulations.

Plan of
health
services.

2.—(1) The council of a municipality or the councils of two or more municipalities which have entered into an agreement therefor may by by-law provide for the establishment of a plan of municipal health services for such municipality or municipalities.

Approval of
Lieutenant-
Governor
in Council.

(2) No agreement shall be entered into and no by-law shall be introduced under this section until the plan provided for therein has been approved by the Lieutenant-Governor in Council.

Vote on
by-law—

3.—(1) No by-law made and approved under section 2 shall come into force or have effect until the proposed plan has been submitted, either at the next municipal election or at such time as the council or councils may decide, to a vote as provided in this section.

EXPLANATORY NOTES

SECTION 2. The Section provides for the establishment of a plan of municipal health services by a municipality or two or more municipalities which have entered into an agreement therefor. No agreement or by-law providing for such a plan may be entered into or introduced until the proposed plan has been approved by the Lieutenant-Governor in Council.

SECTION 3. A proposed plan shall not have effect until it has been voted upon as provided by this section. Where the municipality's share of the cost is to be raised by a property tax, subsection 2 governs; where it is to be raised by a personal tax, subsection 3 governs, and where it is to be raised partly by property tax and partly by personal tax, subsection 4 governs.

where
property
tax,

(2) Where the entire cost of the proposed plan, except any portion which is to be paid by provincial contribution, is to be borne by a special rate imposed on the rateable property in the municipality, the proposed plan shall be submitted to a vote of the persons entitled to vote on money by-laws and unless a majority of the persons voting are in favour of the proposed plan, the plan shall not be established.

where
personal tax,

(3) Where the entire cost of the proposed plan, except any portion which is to be paid by provincial contribution, is to be borne by a personal tax on the residents of the municipality, the proposed plan shall be submitted to a vote of the municipal electors and unless a majority of the persons voting are in favour of the proposed plan, the plan shall not be established.

where
both taxes.

(4) Where part of the cost of the proposed plan is to be borne by a special rate imposed on the rateable property in the municipality, and the balance of the cost, except any portion which is to be borne by provincial contribution, is to be borne by a personal tax on the residents of the municipality, the proposed plan shall be submitted to a vote of the municipal electors and to a further vote of persons entitled to vote on money by-laws and unless a majority of the municipal electors so voting and a majority of the persons entitled to vote on money by-laws so voting are in favour of the proposed plan, the plan shall not be established.

Board.

4.—(1) There shall be a board known as the Ontario Municipal Health Services Board which shall be a body corporate and shall consist of not less than seven and not more than ten members who shall be appointed by the Lieutenant-Governor in Council and shall hold office during pleasure.

Chairman.

(2) The Board shall appoint one of its members to be chairman.

Powers
and duties.

(3) The powers and duties of the Board shall be defined in the regulations and, subject to the approval of the Lieutenant-Governor in Council, the board may,—

(a) enter into an agreement with any municipality which has enacted a by-law under section 2; and

(b) enter into an agreement with any person or with any medical, hospital or other association, corporate or otherwise, for the provision of municipal health services for any municipality which has entered into an agreement with the board.

SECTION 4. The Ontario Municipal Health Services Board is established.

Receiving
and dis-
bursement
of monies.

(4) The Board may receive from any municipality which has enacted a by-law under section 2 all monies collected by the municipality for the purpose of providing municipal health services and may disburse such monies for the purpose of securing the provision of municipal health services and any expenses incidental thereto.

Municipal
committee.

5. The council of any municipality which has enacted a by-law under section 2 may appoint a committee of its members, or of other persons, which shall consist of not less than three and not more than five members, and the committee shall assist and advise the council in respect of any matter arising under this Act.

Personal
tax.

6.—(1) For the purposes of carrying out the provisions of any by-law under this Act the council of any municipality may levy and collect a personal tax in respect of every male and female resident in the municipality who is seventeen years of age or over.

Liability of
parent and
husband.

(2) The parent of a dependent child who is seventeen years of age or over and less than twenty-one years of age shall be liable for the payment of the tax in respect of such child and a husband shall be liable for the payment of the tax in respect of his wife.

Time for
payment.

(3) Every person liable to pay a personal tax shall pay such tax to the treasurer of the municipality within one week of the date upon which such tax becomes due and payable under the provisions of the by-law providing therefor, and in case of neglect or refusal to make such payment the collector may levy the amount of such tax and costs of distress, by distress and sale of the goods and chattels of such person.

Returns
from
employers.

(4) The assessor of the municipality may require any employer, whether the business of such employer is situated within or outside the municipality, to furnish him with a list of those of his employees who are resident within the municipality, and of the dates upon which they are paid their salary or wages, and every such employer shall advise the assessor of any changes therein which may occur.

Deduction
by employer.

(5) The treasurer of the municipality may require any employer, whether the business of such employer is situated within or outside the municipality, to deduct from the salary or wages of all employees residing within the municipality the amounts which are payable to the municipality under this section and to pay such amounts to the municipality, and in the event that the employer fails or neglects to comply with such requirement he shall be personally liable for the amounts so payable.

SECTION 5. A municipal council which has passed a by-law under this Act may establish a municipal advisory committee.

SECTION 6. This section authorizes the levying of a personal tax and provides for the collection thereof and for the exemption therefrom of persons already contributing to an approved system of health services.

- Exemptions.** (6) The Lieutenant-Governor in Council may exempt from any tax imposed under this section any class of persons who contribute to a plan for the provision of medical services or health services which has been approved by the Minister.
- Property tax.** **7.** For the purpose of carrying out the provisions of any by-law under this Act the council of a municipality may levy and collect a special rate upon all the rateable property within the municipality and all the provisions of *The Assessment Act* applicable to the levying and collecting of local rates shall apply to the special rate levied under this Act.
- Rev. Stat., c. 272.**
- Assessment rolls.** **8.—(1)** In a municipality in which a plan has been adopted, the assessor shall include in the assessment roll the name of every person who is a resident of the municipality within the meaning of the regulations and where part of the cost of such plan is to be borne by a personal tax the assessor shall enter after the name of every person who is liable to such tax the letters "P.T."
- Idem.** (2) Where the council of a municipality passes a resolution favouring the establishment of a plan of municipal health services, the council may direct the assessor to comply with the requirements of subsection 2 in the preparation of the next assessment roll.
- Amount of taxes payable to Board.** **9.** A municipality shall pay to the Board an amount equal to the total levy made under section 6 or 7, or both, at such times as may be required by the regulations.
- No liability to county.** **10.** A municipality which has established a plan of municipal health services under this Act shall not be required to contribute to any levy made by a county for the costs of providing hospital care for indigent persons who are residents of the county.
- Unorganized territory.** **11.** The Lieutenant-Governor in Council may make provision for furnishing municipal health services to the residents of any area which is without municipal organization and does not form part of a school section.
- Contributions by province.** **12.** The Lieutenant-Governor in Council may provide for the making of annual or other contributions to any municipality which has passed a by-law under this Act.
- Consolidated Revenue Fund.** **13.** Expenses incurred under section 11 and contributions made under section 12 shall be paid out of the Consolidated Revenue Fund.
- Further vote on plan.** **14.** At the first municipal election held after the termination of a period of three years from the date of the commence-

SECTION 7. The levying of a property tax is provided for.

SECTION 8. Provision is made for appropriate additions to the assessment roll.

SECTION 9. A municipality is required to pay to the Board the amounts levied for taxation under this Act.

SECTION 10. Municipalities having a plan in force under this Act are exempted from contributing to the county in respect of hospital care for indigent persons.

SECTIONS 11, 12 and 13. Self-explanatory.

SECTION 14. A plan must be voted upon at the end of three years to determine whether it shall be continued in force.

ment of a plan for municipal health services, such plan shall again be submitted to a vote as in section 3 provided and shall not continue in force unless a majority of the persons voting as prescribed in section 3 are in favour thereof.

Alteration
of plan.

15.—(1) A plan for municipal health services established under this Act shall not be altered or terminated except with the like approval as required by section 2.

Amendment
of by-law.

(2) A by-law made under this Act shall be amended or repealed only with the like vote as is required for a by-law made under section 3.

Termination
of plan.

(3) The Lieutenant-Governor in Council may terminate any plan for municipal health services and thereupon every by-law and agreement relating thereto shall be deemed to be revoked and terminated.

Termination
of plan—
monies
on hand.

16. Where a scheme is terminated the Lieutenant-Governor in Council may provide for the disposition and application of any monies collected under the provisions of this Act which are not required for the purpose of the plan.

Regulations.

17. Subject to the approval of the Lieutenant-Governor in Council, the Minister may make regulations which may be general or particular in their application,—

- (a) respecting the establishment of municipal health services;
- (b) defining "municipal health services" and prescribing the type of service and the maximum services which may be provided under any plan;
- (c) defining the powers and duties of the board and providing for the employment of assistants and the payment of the expenses of the board out of such monies as may come into its hands;
- (d) governing the amount and conditions of payment of provincial contributions;
- (e) defining the term "resident";
- (f) prescribing the periods within which a resident shall be liable for the payment of the rates and taxes imposed under this Act and the periods during which a resident shall be entitled to municipal health services in the municipality;

SECTION 15. Plans and by-laws in force under this Act shall be altered or terminated only with the like vote or approval as is required for the establishment of a plan or the passing of a by-law. The Lieutenant-Governor in Council may terminate any plan.

SECTION 16. Self-explanatory.

SECTION 17. The Lieutenant-Governor in Council is authorized to make regulations which are necessary for the due carrying out of the provisions of this Act.

- (g) prescribing the dates upon which any rates or taxes levied in the municipality shall become due and payable and the manner in which they shall be paid;
- (h) providing for the exemption from taxation of any class of persons who are dependent in whole or in part upon contributions from public funds for their maintenance;
- (i) providing for the appointment of inspectors and prescribing their powers and duties;
- (j) requiring the Board to report to the Minister;
- (k) prescribing the forms; and
- (l) generally for the administration of this Act and the regulations.

Short title.

18. This Act may be cited as *The Municipal Health Services Act, 1944*.

An Act to enable Municipalities to
establish Health Services.

1st Reading

March 15th, 1944

2nd Reading

3rd Reading

MR. VIVIAN

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to enable Municipalities to establish Health Services.

MR. VIVIAN

(Reprinted as amended in Committee of the Whole House.)

BILL

An Act to enable Municipalities to establish Health Services.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation.

1. In this Act,—

"Board";

(a) "Board" shall mean the Ontario Municipal Health Services Board established under this Act;

"Minister";

(b) "Minister" shall mean the Minister of Health;

"municipality";

(c) "municipality" shall mean local municipality as defined in *The Municipal Act* and shall include an improvement district, and a school section in an unorganized township or unsurveyed territory; and

"municipal health services."

(d) "municipal health services" shall have the meaning prescribed in the regulations.

Plan of health services.

2.—(1) The council of a municipality or the councils of two or more municipalities which have entered into an agreement therefor may by by-law provide for the establishment of a plan of municipal health services for such municipality or municipalities.

Approval of Lieutenant-Governor in Council.

(2) No agreement shall be entered into and no by-law shall be introduced under this section until the plan provided for therein has been approved by the Lieutenant-Governor in Council.

Vote on by-law—

3.—(1) No by-law made and approved under section 2 shall come into force or have effect until the proposed plan has been submitted, either at the next municipal election or at such time as the council or councils may decide, to a vote as provided in this section.

EXPLANATORY NOTES

SECTION 2. The Section provides for the establishment of a plan of municipal health services by a municipality or two or more municipalities which have entered into an agreement therefor. No agreement or by-law providing for such a plan may be entered into or introduced until the proposed plan has been approved by the Lieutenant-Governor in Council.

SECTION 3. A proposed plan shall not have effect until it has been voted upon as provided by this section. Where the municipality's share of the cost is to be raised by a property tax, subsection 2 governs; where it is to be raised by a personal tax, subsection 3 governs, and where it is to be raised partly by property tax and partly by personal tax, subsection 4 governs.

where
property
tax,

(2) Where the entire cost of the proposed plan, except any portion which is to be paid by provincial contribution, is to be borne by a special rate imposed on the rateable property in the municipality, the proposed plan shall be submitted to a vote of the persons entitled to vote on money by-laws and unless a majority of the persons voting are in favour of the proposed plan, the plan shall not be established.

where
personal tax,

(3) Where the entire cost of the proposed plan, except any portion which is to be paid by provincial contribution, is to be borne by a personal tax on the residents of the municipality, the proposed plan shall be submitted to a vote of the municipal electors and unless a majority of the persons voting are in favour of the proposed plan, the plan shall not be established.

where
both taxes.

(4) Where part of the cost of the proposed plan is to be borne by a special rate imposed on the rateable property in the municipality, and the balance of the cost, except any portion which is to be borne by provincial contribution, is to be borne by a personal tax on the residents of the municipality, the proposed plan shall be submitted to a vote of the municipal electors and to a further vote of persons entitled to vote on money by-laws and unless a majority of the municipal electors so voting and a majority of the persons entitled to vote on money by-laws so voting are in favour of the proposed plan, the plan shall not be established.

Board.

4.—(1) There shall be a board known as the Ontario Municipal Health Services Board which shall be a body corporate and shall consist of not less than seven and not more than ten members who shall be appointed by the Lieutenant-Governor in Council and shall hold office during pleasure.

Chairman.

(2) The Board shall appoint one of its members to be chairman.

Powers
and duties.

(3) The powers and duties of the Board shall be defined in the regulations and, subject to the approval of the Lieutenant-Governor in Council, the board may,—

- (a) enter into an agreement with any municipality which has enacted a by-law under section 2; and
- (b) enter into an agreement with any person or with any medical, hospital or other association, corporate or otherwise, for the provision of municipal health services for any municipality which has entered into an agreement with the board.

SECTION 4. The Ontario Municipal Health Services Board is established.

Receiving
and dis-
bursement
of monies.

(4) The Board may receive from any municipality which has enacted a by-law under section 2 all monies collected by the municipality for the purpose of providing municipal health services and may disburse such monies for the purpose of securing the provision of municipal health services and any expenses incidental thereto.

Municipal
committee.

5. The council of any municipality which has enacted a by-law under section 2 may appoint a committee of its members, or of other persons, which shall consist of not less than three and not more than five members, and the committee shall assist and advise the council in respect of any matter arising under this Act.

Personal
tax.

6.—(1) For the purposes of carrying out the provisions of any by-law under this Act the council of any municipality may levy and collect a personal tax in respect of every male and female resident in the municipality who is seventeen years of age or over.

Liability of
parent and
husband.

(2) The parent of a dependent child who is seventeen years of age or over and less than twenty-one years of age shall be liable for the payment of the tax in respect of such child and a husband shall be liable for the payment of the tax in respect of his wife.

Time for
payment.

(3) Every person liable to pay a personal tax shall pay such tax to the treasurer of the municipality within one week of the date upon which such tax becomes due and payable under the provisions of the by-law providing therefor, and in case of neglect or refusal to make such payment the collector may levy the amount of such tax and costs of distress, by distress and sale of the goods and chattels of such person.

Returns
from
employers.

(4) The assessor of the municipality may require any employer, whether the business of such employer is situate within or outside the municipality, to furnish him with a list of those of his employees who are resident within the municipality, and of the dates upon which they are paid their salary or wages, and every such employer shall advise the assessor of any changes therein which may occur.

Deduction
by employer.

(5) The treasurer of the municipality may require any employer, whether the business of such employer is situate within or outside the municipality, to deduct from the salary or wages of all employees residing within the municipality the amounts which are payable to the municipality under this section and to pay such amounts to the municipality, and in the event that the employer fails or neglects to comply with such requirement he shall be personally liable for the amounts so payable.

SECTION 5. A municipal council which has passed a by-law under this Act may establish a municipal advisory committee.

SECTION 6. This section authorizes the levying of a personal tax and provides for the collection thereof and for the exemption therefrom of persons already contributing to an approved system of health services.



Property
tax.

Rev. Stat.,
c. 272.

Assessment
rolls.

Idem.

Amount
of taxes
payable
to Board.

No liability
to county.

Unorganized
territory.

Contribu-
tions by
province.

Consolidated
Revenue
Fund.

Further
vote on plan.

7. For the purpose of carrying out the provisions of any by-law under this Act the council of a municipality may levy and collect a special rate upon all the rateable property within the municipality and all the provisions of *The Assessment Act* applicable to the levying and collecting of local rates shall apply to the special rate levied under this Act.

8.—(1) In a municipality in which a plan has been adopted, the assessor shall include in the assessment roll the name of every person who is a resident of the municipality within the meaning of the regulations and where part of the cost of such plan is to be borne by a personal tax the assessor shall enter after the name of every person who is liable to such tax the letters "P.T."

(2) Where the council of a municipality passes a resolution favouring the establishment of a plan of municipal health services, the council may direct the assessor to comply with the requirements of subsection 1 in the preparation of the next assessment roll.

9. A municipality shall pay to the Board an amount equal to the total levy made under section 6 or 7, or both, at such times as may be required by the regulations.

10. A municipality which has established a plan of municipal health services, which includes hospital care, under this Act shall not be required to contribute to any levy made by a county for the costs of providing hospital care for indigent persons who are residents of the county.

11. The Lieutenant-Governor in Council may make provision for furnishing municipal health services to the residents of any area which is without municipal organization and does not form part of a school section.

12. The Lieutenant-Governor in Council may provide for the making of annual or other contributions to any municipality which has passed a by-law under this Act.

13. Expenses incurred under section 11 and contributions made under section 12 shall be paid out of the Consolidated Revenue Fund.

14. At the first municipal election held after the termination of a period of three years from the date of the commence-

SECTION 7. The levying of a property tax is provided for.

SECTION 8. Provision is made for appropriate additions to the assessment roll.

SECTION 9. A municipality is required to pay to the Board the amounts levied for taxation under this Act.

SECTION 10. Municipalities having a plan in force under this Act are exempted from contributing to the county in respect of hospital care for indigent persons.

SECTIONS 11, 12 and 13. Self-explanatory.

SECTION 14. A plan must be voted upon at the end of three years to determine whether it shall be continued in force.

ment of a plan for municipal health services, such plan shall again be submitted to a vote as in section 3 provided and shall not continue in force unless a majority of the persons voting as prescribed in section 3 are in favour thereof.

Alteration
of plan.

15.—(1) A plan for municipal health services established under this Act shall not be altered or terminated except with the like approval as required by section 2.

Amendment
of by-law.

(2) A by-law made under this Act shall be amended or repealed only with the like vote as is required for a by-law made under section 3.

Termination
of plan.

(3) The Lieutenant-Governor in Council may terminate any plan for municipal health services and thereupon every by-law and agreement relating thereto shall be deemed to be revoked and terminated.

Termination
of plan—
monies
on hand.

16. Where a scheme is terminated the Lieutenant-Governor in Council may provide for the disposition and application of any monies collected under the provisions of this Act which are not required for the purpose of the plan.

Regulations.

17. Subject to the approval of the Lieutenant-Governor in Council, the Minister may make regulations which may be general or particular in their application,—

- (a) respecting the establishment of municipal health services;
- (b) defining “municipal health services” and prescribing the type of service and the maximum services which may be provided under any plan;
- (c) defining the powers and duties of the board and providing for the employment of assistants and the payment of the expenses of the board out of such monies as may come into its hands;
- (d) governing the amount and conditions of payment of provincial contributions;
- (e) defining the term “resident”;
- (f) prescribing the periods within which a resident shall be liable for the payment of the rates and taxes imposed under this Act and the periods during which a resident shall be entitled to municipal health services in the municipality;

SECTION 15. Plans and by-laws in force under this Act shall be altered or terminated only with the like vote or approval as is required for the establishment of a plan or the passing of a by-law. The Lieutenant-Governor in Council may terminate any plan.

SECTION 16. Self-explanatory.

SECTION 17. The Lieutenant-Governor in Council is authorized to make regulations which are necessary for the due carrying out of the provisions of this Act.

- (g) prescribing the dates upon which any rates or taxes levied in the municipality shall become due and payable and the manner in which they shall be paid;
- (h) providing for the exemption from taxation of any class of persons who are dependent in whole or in part upon contributions from public funds for their maintenance;
- (i) providing for the cancellation or reduction of the taxes of any person who from sickness or extreme poverty is unable to pay such taxes;
- (j) providing for the exemption from any tax imposed by this Act, or any portion thereof, of any class or group of persons who contribute to a plan for the provision of medical services or health services;
- (k) providing for the exemption of duly accredited members and adherents of any religious denomination designated by the regulations from any tax imposed under section 6 and from any tax imposed under section 7 in respect of such portion of any premises as may be owned and occupied as a residence by any such member or adherent, upon such terms and conditions as may be prescribed;
- (l) providing for the cancellation or reduction of the taxes of any person who by reason of any gross or manifest error has been charged or overcharged;
- (m) providing for the appointment of inspectors and prescribing their powers and duties;
- (n) requiring the Board to report to the Minister;
- (o) prescribing the forms; and
- (p) generally for the administration of this Act and the regulations.

Short title.

18. This Act may be cited as *The Municipal Health Services Act, 1944*.

An Act to enable Municipalities to
establish Health Services.

1st Reading

March 15th, 1944

2nd Reading

March 21st, 1944

3rd Reading

MR. VIVIAN

*(Reprinted as amended in Committee of the
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1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

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“municipal health services.”

(d) “municipal health services” shall have the meaning prescribed in the regulations.

Plan of health services.

2.—(1) The council of a municipality or the councils of two or more municipalities which have entered into an agreement therefor may by by-law provide for the establishment of a plan of municipal health services for such municipality or municipalities.

Approval of Lieutenant-Governor in Council.

(2) No agreement shall be entered into and no by-law shall be introduced under this section until the plan provided for therein has been approved by the Lieutenant-Governor in Council.

Vote on by-law—

3.—(1) No by-law made and approved under section 2 shall come into force or have effect until the proposed plan has been submitted, either at the next municipal election or at such time as the council or councils may decide, to a vote as provided in this section.

(2) Where the entire cost of the proposed plan, except any ^{where} portion which is to be paid by provincial contribution, is to ^{property} be borne by a special rate imposed on the rateable ^{tax,} property in the municipality, the proposed plan shall be submitted to a vote of the persons entitled to vote on money by-laws and unless a majority of the persons voting are in favour of the proposed plan, the plan shall not be established.

(3) Where the entire cost of the proposed plan, except any ^{where} portion which is to be paid by provincial contribution, is to ^{personal tax,} be borne by a personal tax on the residents of the municipality, the proposed plan shall be submitted to a vote of the municipal electors and unless a majority of the persons voting are in favour of the proposed plan, the plan shall not be established.

(4) Where part of the cost of the proposed plan is to be ^{where} borne by a special rate imposed on the rateable property in ^{both taxes.} the municipality, and the balance of the cost, except any portion which is to be borne by provincial contribution, is to be borne by a personal tax on the residents of the municipality, the proposed plan shall be submitted to a vote of the municipal electors and to a further vote of persons entitled to vote on money by-laws and unless a majority of the municipal electors so voting and a majority of the persons entitled to vote on money by-laws so voting are in favour of the proposed plan, the plan shall not be established.

4.—(1) There shall be a board known as the Ontario **Board.** Municipal Health Services Board which shall be a body corporate and shall consist of not less than seven and not more than ten members who shall be appointed by the Lieutenant-Governor in Council and shall hold office during pleasure.

(2) The Board shall appoint one of its members to be **Chairman.** chairman.

(3) The powers and duties of the Board shall be defined ^{Powers} in the regulations and, subject to the approval of the Lie- ^{and duties.} tenant-Governor in Council, the board may,—

- (a) enter into an agreement with any municipality which has enacted a by-law under section 2; and
- (b) enter into an agreement with any person or with any medical, hospital or other association, corporate or otherwise, for the provision of municipal health services for any municipality which has entered into an agreement with the board.

Receiving
and dis-
bursement
of monies.

(4) The Board may receive from any municipality which has enacted a by-law under section 2 all monies collected by the municipality for the purpose of providing municipal health services and may disburse such monies for the purpose of securing the provision of municipal health services and any expenses incidental thereto.

Municipal
committee.

5. The council of any municipality which has enacted a by-law under section 2 may appoint a committee of its members, or of other persons, which shall consist of not less than three and not more than five members, and the committee shall assist and advise the council in respect of any matter arising under this Act.

Personal
tax.

6.—(1) For the purposes of carrying out the provisions of any by-law under this Act the council of any municipality may levy and collect a personal tax in respect of every male and female resident in the municipality who is seventeen years of age or over.

Liability of
parent and
husband.

(2) The parent of a dependent child who is seventeen years of age or over and less than twenty-one years of age shall be liable for the payment of the tax in respect of such child and a husband shall be liable for the payment of the tax in respect of his wife.

Time for
payment.

(3) Every person liable to pay a personal tax shall pay such tax to the treasurer of the municipality within one week of the date upon which such tax becomes due and payable under the provisions of the by-law providing therefor, and in case of neglect or refusal to make such payment the collector may levy the amount of such tax and costs of distress, by distress and sale of the goods and chattels of such person.

Returns
from
employers.

(4) The assessor of the municipality may require any employer, whether the business of such employer is situate within or outside the municipality, to furnish him with a list of those of his employees who are resident within the municipality, and of the dates upon which they are paid their salary or wages, and every such employer shall advise the assessor of any changes therein which may occur.

Deduction
by employer.

(5) The treasurer of the municipality may require any employer, whether the business of such employer is situate within or outside the municipality, to deduct from the salary or wages of all employees residing within the municipality the amounts which are payable to the municipality under this section and to pay such amounts to the municipality, and in the event that the employer fails or neglects to comply with such requirement he shall be personally liable for the amounts so payable.

7. For the purpose of carrying out the provisions of any ^{Property} by-law under this Act the council of a municipality may levy ^{tax.} and collect a special rate upon all the rateable property within the municipality and all the provisions of *The Assessment* ^{Rev. Stat.,} *Act* ^{o. 272.} applicable to the levying and collecting of local rates shall apply to the special rate levied under this Act.

8.—(1) In a municipality in which a plan has been adopted, ^{Assessment} the assessor shall include in the assessment roll the name of ^{rolls.} every person who is a resident of the municipality within the meaning of the regulations and where part of the cost of such plan is to be borne by a personal tax the assessor shall enter after the name of every person who is liable to such tax the letters "P.T."

(2) Where the council of a municipality passes a resolution ^{Idem.} favouring the establishment of a plan of municipal health services, the council may direct the assessor to comply with the requirements of subsection 1 in the preparation of the next assessment roll.

9. A municipality shall pay to the Board an amount equal ^{Amount} to the total levy made under section 6 or 7, or both, at such ^{of taxes} times as may be required by the regulations. ^{payable} ^{to Board.}

10. A municipality which has established a plan of municipal ^{No liability} health services, which includes hospital care, under this Act ^{to county.} shall not be required to contribute to any levy made by a county for the costs of providing hospital care for indigent persons who are residents of the county.

11. The Lieutenant-Governor in Council may make pro- ^{Unorganized} vision for furnishing municipal health services to the residents ^{territory.} of any area which is without municipal organization and does not form part of a school section.

12. The Lieutenant-Governor in Council may provide for ^{Contribu-} the making of annual or other contributions to any munici- ^{tions by} ^{province.} pality which has passed a by-law under this Act.

13. Expenses incurred under section 11 and contributions ^{Consolidated} made under section 12 shall be paid out of the Consolidated ^{Revenue} ^{Fund.} Revenue Fund.

14. At the first municipal election held after the termina- ^{Further} ^{vote on plan.} tion of a period of three years from the date of the commence-

ment of a plan for municipal health services, such plan shall again be submitted to a vote as in section 3 provided and shall not continue in force unless a majority of the persons voting as prescribed in section 3 are in favour thereof.

Alteration
of plan.

15.—(1) A plan for municipal health services established under this Act shall not be altered or terminated except with the like approval as required by section 2.

Amendment
of by-law.

(2) A by-law made under this Act shall be amended or repealed only with the like vote as is required for a by-law made under section 3.

Termination
of plan.

(3) The Lieutenant-Governor in Council may terminate any plan for municipal health services and thereupon every by-law and agreement relating thereto shall be deemed to be revoked and terminated.

Termination
of plan—
monies
on hand.

16. Where a scheme is terminated the Lieutenant-Governor in Council may provide for the disposition and application of any monies collected under the provisions of this Act which are not required for the purpose of the plan.

Regulations.

17. Subject to the approval of the Lieutenant-Governor in Council, the Minister may make regulations which may be general or particular in their application,—

- (a) respecting the establishment of municipal health services;
- (b) defining “municipal health services” and prescribing the type of service and the maximum services which may be provided under any plan;
- (c) defining the powers and duties of the board and providing for the employment of assistants and the payment of the expenses of the board out of such monies as may come into its hands;
- (d) governing the amount and conditions of payment of provincial contributions;
- (e) defining the term “resident”;
- (f) prescribing the periods within which a resident shall be liable for the payment of the rates and taxes imposed under this Act and the periods during which a resident shall be entitled to municipal health services in the municipality;

- (g) prescribing the dates upon which any rates or taxes levied in the municipality shall become due and payable and the manner in which they shall be paid;
- (h) providing for the exemption from taxation of any class of persons who are dependent in whole or in part upon contributions from public funds for their maintenance;
- (i) providing for the cancellation or reduction of the taxes of any person who from sickness or extreme poverty is unable to pay such taxes;
- (j) providing for the exemption from any tax imposed by this Act, or any portion thereof, of any class or group of persons who contribute to a plan for the provision of medical services or health services;
- (k) providing for the exemption of duly accredited members and adherents of any religious denomination designated by the regulations from any tax imposed under section 6 and from any tax imposed under section 7 in respect of such portion of any premises as may be owned and occupied as a residence by any such member or adherent, upon such terms and conditions as may be prescribed;
- (l) providing for the cancellation or reduction of the taxes of any person who by reason of any gross or manifest error has been charged or overcharged;
- (m) providing for the appointment of inspectors and prescribing their powers and duties;
- (n) requiring the Board to report to the Minister;
- (o) prescribing the forms; and
- (p) generally for the administration of this Act and the regulations.

18. This Act may be cited as *The Municipal Health Services Act, 1944.* Short title.

An Act to enable Municipalities to
establish Health Services.

1st Reading

March 15th, 1944

2nd Reading

March 21st, 1944

3rd Reading

March 27th, 1944

MR. VIVIAN

No. 58

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

ct to provide Financial Protection for Members of the Armed Forces.

MR. DREW

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to provide Financial Protection for Members of the Armed Forces.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation,—

1.—(1) In this Act,—

“dependent”;

(a) “dependent” shall mean person who is dependent upon a member of the forces for his livelihood or any substantial part thereof;

“member of the forces”.

(b) “member of the forces” shall mean,—

(i) any person who, having voluntarily offered himself for appointment to or enlistment in any of His Majesty's naval, military or air forces, has been appointed to or enlisted in such forces and has been placed on active service therein;

1940, c. 13,
(Canada).

(ii) any person who, having been called up pursuant to *The National Resources Mobilization Act, 1940*, (Canada) and the regulations thereunder, for training, service or duty in any of His Majesty's naval, military or air forces raised in Canada, has volunteered to serve on active service therein and has in consequence thereof been placed on active service; and

(iii) any person mentioned in subclause i or ii who having been discharged from the forces, is receiving treatment under the Department of Pensions and National Health (Canada), or is in receipt of assistance or benefit under any rehabilitation organization, agency or scheme designated by the Lieutenant-Governor in Council.

EXPLANATORY NOTES

GENERAL. Provision is made for affording certain relief to members of the forces and their dependents with respect to actions brought against them in the courts (Section 2), proceedings against their chattels (Section 3) and proceedings to enforce payment of municipal and like taxes (Section 4). Application for relief is made to the judge of the court in which proceedings are pending or to the local county court judge in the case of other proceedings.

York and
Carleton.

(2) An application which under this Act may be made to a judge of a county or district court shall in the Counties of York and Carleton be made to the Master and local master of the Supreme Court respectively.

Action
against
member of
the forces.

2. Where any proceeding is taken in any action, matter or cause brought against a member of the forces or a dependent thereof in any court of civil jurisdiction whether before or after judgment, with respect to any obligation incurred by such member or dependent prior to the enlistment or calling up of such member, an application for relief may be made by or on behalf of such member or dependent to a judge of such court.

Extra-
judicial
proceedings.

3. Where any extra-judicial proceeding of any nature whether by way of distress, seizure, repossession or otherwise is taken against a member of the forces or a dependent thereof to enforce payment of an amount due in respect of any personal property or to recover possession of any such property pursuant to the provisions of a conditional sale or other agreement, either oral or in writing, entered into by such member or dependent prior to the enlistment or calling up of such member, an application for relief may be made by or on behalf of such member or dependent to a judge of the county or district court of the county or district in which such member or dependent ordinarily resides.

Taxes.

Rev. Stat.,
cc. 272; 59.

4. Where any proceeding under *The Assessment Act* or *The Department of Municipal Affairs Act* or any other Act by way of action, distress, sale, registration of tax arrears certificate or otherwise for the recovery of taxes levied for municipal, school or local improvement purposes including all rates, rents and other charges imposed and collected in the same manner as taxes or for the recovery of interest, penalties or costs in respect thereof is taken against a member of the forces or a dependent thereof or against property owned by any such member or dependent, an application for relief may be made by or on behalf of such member or dependent to a judge of the court in which the proceeding is taken or, where the proceeding is not in a court, to a judge of the county or district court of the county or district in which such property is situate.

Directions
of judge.

5.—(1) A judge to whom an application is made under this Act may give all necessary directions with regard to service of notice and other matters incidental to the application and shall have the same power of summoning any person and requiring him to give evidence on oath and to produce documents and things and of enforcing the attendance of witnesses and compelling them to give evidence and produce documents and things as is vested in any court in civil cases.

SECTION 5 vests necessary incidental powers in the judge and effects a stay of proceedings where an application for relief is made.

Interim
stay of
proceedings.

(2) Upon the making of an application under this Act and the service of notice in writing thereof upon the person taking the proceeding which is the subject of the application, such proceedings shall, *ipso facto*, be stayed pending the final disposition of such application.

Hearing of
evidence.

6.—(1) Upon the hearing of the application the judge may hear such evidence and representations as he deems proper and may determine all questions which may arise and having regard to the position and circumstances of all the parties, the impairment of income suffered by the member or dependent by reason of the enlistment or calling up of the member and all other relevant circumstances, may make such order as he deems proper staying such proceeding or deferring the time for making any payment or for the performance of any term, or both, either with or without determining any question of liability that may be involved, upon such terms and subject to such conditions as he may deem proper, or may dismiss the application.

Period of
relief.

(2) In any order made under this section relief may be granted for the full period during which the member of the forces continues to be a member and for such period not exceeding one year thereafter as the judge may deem proper.

Relief to
guarantors.

7. Any person who may be adversely affected by an order made under this Act by reason of his position as a guarantor or because of any interest which he may have in any premises or property which is the subject of the order, or by reason of any other circumstances, may apply to a judge of the court in which the order was made for relief and the provisions of sections 5, 6 and 8 shall apply *mutatis mutandis*.

Review
of order.

8. An application for review of any order made under section 6 or 7 may be made to a judge of the court in which the order was made by any person affected thereby and where the judge is of opinion that any of the relevant circumstances have been substantially altered he may vary such order or make such further order as he may deem proper.

No costs
or fees.

9. No costs shall be allowed and no fees payable to the Crown, whether collected by law stamps or otherwise, shall be charged or collected upon any application, order or appeal under this Act.

Powers to
be addi-
tional.

10. The powers conferred by this Act shall be in addition to and not in derogation of any other powers of the judge.

Calcula-
tion of
time.

11. In the calculation of time for the purposes of any provision of *The Limitations Act* or any like provision, the time during which relief is provided under this Act in respect

Rev. Stat.,
c. 118.

SECTION 6. The powers of the judge to grant relief are prescribed.

SECTION 7. Persons adversely affected by any order may apply for relief.

SECTION 8. An order may be reviewed where relevant circumstances have altered.

SECTION 9. No fees or costs are payable in respect of proceedings under the Act.

SECTION 10. Self-explanatory.

SECTION 11. Orders under the Act will not adversely affect the operation of *The Limitations Act*.

of any relevant matter shall not run in favour of the person to whom such relief has been granted.

Application
of Act.

12. This Act shall not apply to any proceedings by way of foreclosure, or sale under power of sale, execution or any judgment or order of any court, distress, forfeiture, judgment or order of possession, or any other judgment or order of any court or otherwise, relating to any mortgage, contract or agreement for sale or purchase of land, or any interest therein, or any renewal or extension thereof.

Municipal
tax sale
not invali-
dated.

Rev. Stat.,
c. 272.

13. A tax sale conducted by a municipality pursuant to the provisions of *The Assessment Act* shall not be invalidated by reason of the failure to include therein any property in respect of which an order has been made under this Act which has the effect of preventing the inclusion of such property.

Rules.

14. Subject to the approval of the Lieutenant-Governor in Council the Rules Committee may make rules,—

- (a) prescribing the particulars and the form thereof, to be furnished by an applicant for relief under any of the provisions of this Act;
- (b) regulating the practice and procedure under this Act; and
- (c) generally for the better carrying out of the provisions of this Act.

Commence-
ment of Act.

15. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

16. This Act may be cited as *The Active Service Financial Protection Act, 1944*.

SECTION 12. *The Active Service Moratorium Act, 1943*, will continue to apply in the case of mortgage proceedings.

SECTIONS 13-16. Self-explanatory.



An Act to provide Financial Protection for
Members of the Armed Forces.

1st Reading

March 17th, 1944

2nd Reading

3rd Reading

MR. DREW

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

Act to provide Financial Protection for Members of the Armed Forces.

MR. DREW

BILL

An Act to provide Financial Protection for Members of the Armed Forces.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpreta-
tion,—

1.—(1) In this Act,—

“depend-
ent”;

(a) “dependent” shall mean person who is dependent upon a member of the forces for his livelihood or any substantial part thereof;

“member
of the
forces”.

(b) “member of the forces” shall mean,—

(i) any person who, having voluntarily offered himself for appointment to or enlistment in any of His Majesty's naval, military or air forces, has been appointed to or enlisted in such forces and has been placed on active service therein;

1940, c. 13,
(Canada).

(ii) any person who, having been called up pursuant to *The National Resources Mobilization Act, 1940*, (Canada) and the regulations thereunder, for training, service or duty in any of His Majesty's naval, military or air forces raised in Canada, has volunteered to serve on active service therein and has in consequence thereof been placed on active service; and

(iii) any person mentioned in subclause i or ii who having been discharged from the forces, is receiving treatment under the Department of Pensions and National Health (Canada), or is in receipt of assistance or benefit under any rehabilitation organization, agency or scheme designated by the Lieutenant-Governor in Council.

(2) An application which under this Act may be made to a judge of a county or district court shall in the Counties of York and Carleton be made to the Master and local master of the Supreme Court respectively.

2. Where any proceeding is taken in any action, matter or cause brought against a member of the forces or a dependent thereof in any court of civil jurisdiction whether before or after judgment, with respect to any obligation incurred by such member or dependent prior to the enlistment or calling up of such member, an application for relief may be made by or on behalf of such member or dependent to a judge of such court.

Action
against
member of
the forces.

3. Where any extra-judicial proceeding of any nature whether by way of distress, seizure, repossession or otherwise is taken against a member of the forces or a dependent thereof to enforce payment of an amount due in respect of any personal property or to recover possession of any such property pursuant to the provisions of a conditional sale or other agreement, either oral or in writing, entered into by such member or dependent prior to the enlistment or calling up of such member, an application for relief may be made by or on behalf of such member or dependent to a judge of the county or district court of the county or district in which such member or dependent ordinarily resides.

Extra-
judicial
proceedings.

4. Where any proceeding under *The Assessment Act* or *The Department of Municipal Affairs Act* or any other Act by way of action, distress, sale, registration of tax arrears certificate or otherwise for the recovery of taxes levied for municipal, school or local improvement purposes including all rates, rents and other charges imposed and collected in the same manner as taxes or for the recovery of interest, penalties or costs in respect thereof is taken against a member of the forces or a dependent thereof or against property owned by any such member or dependent, an application for relief may be made by or on behalf of such member or dependent to a judge of the court in which the proceeding is taken or, where the proceeding is not in a court, to a judge of the county or district court of the county or district in which such property is situate.

Taxes.
Rev. Stat.,
cc. 272; 59.

5.—(1) A judge to whom an application is made under this Act may give all necessary directions with regard to service of notice and other matters incidental to the application and shall have the same power of summoning any person and requiring him to give evidence on oath and to produce documents and things and of enforcing the attendance of witnesses and compelling them to give evidence and produce documents and things as is vested in any court in civil cases.

Directions
of judge.

Interim
stay of
proceedings.

(2) Upon the making of an application under this Act and the service of notice in writing thereof upon the person taking the proceeding which is the subject of the application, such proceedings shall, *ipso facto*, be stayed pending the final disposition of such application.

Hearing of
evidence.

6.—(1) Upon the hearing of the application the judge may hear such evidence and representations as he deems proper and may determine all questions which may arise and having regard to the position and circumstances of all the parties, the impairment of income suffered by the member or dependent by reason of the enlistment or calling up of the member and all other relevant circumstances, may make such order as he deems proper staying such proceeding or deferring the time for making any payment or for the performance of any term, or both, either with or without determining any question of liability that may be involved, upon such terms and subject to such conditions as he may deem proper, or may dismiss the application.

Period of
relief.

(2) In any order made under this section relief may be granted for the full period during which the member of the forces continues to be a member and for such period not exceeding one year thereafter as the judge may deem proper.

Relief to
guarantors.

7. Any person who may be adversely affected by an order made under this Act by reason of his position as a guarantor or because of any interest which he may have in any premises or property which is the subject of the order, or by reason of any other circumstances, may apply to a judge of the court in which the order was made for relief and the provisions of sections 5, 6 and 8 shall apply *mutatis mutandis*.

Review
of order.

8. An application for review of any order made under section 6 or 7 may be made to a judge of the court in which the order was made by any person affected thereby and where the judge is of opinion that any of the relevant circumstances have been substantially altered he may vary such order or make such further order as he may deem proper.

No costs
or fees.

9. No costs shall be allowed and no fees payable to the Crown, whether collected by law stamps or otherwise, shall be charged or collected upon any application, order or appeal under this Act.

Powers to
be addi-
tional.

10. The powers conferred by this Act shall be in addition to and not in derogation of any other powers of the judge.

Calcula-
tion of
time.

11. In the calculation of time for the purposes of any provision of *The Limitations Act* or any like provision, the time during which relief is provided under this Act in respect

Rev. Stat.,
c. 118.

of any relevant matter shall not run in favour of the person to whom such relief has been granted.

12. This Act shall not apply to any proceedings by way of foreclosure, or sale under power of sale, execution or any judgment or order of any court, distress, forfeiture, judgment or order of possession, or any other judgment or order of any court or otherwise, relating to any mortgage, contract or agreement for sale or purchase of land, or any interest therein, or any renewal or extension thereof. Application of Act.

13. A tax sale conducted by a municipality pursuant to the provisions of *The Assessment Act* shall not be invalidated by reason of the failure to include therein any property in respect of which an order has been made under this Act which has the effect of preventing the inclusion of such property. Municipal tax sale not invalidated. Rev. Stat., c. 272.

14. Subject to the approval of the Lieutenant-Governor in Council the Rules Committee may make rules,— Rules.

- (a) prescribing the particulars and the form thereof, to be furnished by an applicant for relief under any of the provisions of this Act;
- (b) regulating the practice and procedure under this Act; and
- (c) generally for the better carrying out of the provisions of this Act.

15. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

16. This Act may be cited as *The Active Service Financial Protection Act, 1944*. Short title.



An Act to provide Financial Protection for
Members of the Armed Forces.

1st Reading

March 17th, 1944

2nd Reading

March 22nd, 1944

3rd Reading

March 24th, 1944

MR. DREW

No. 59

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

Act to provide Protection for Life Insurance Policies of Members of
the Armed Forces.

MR. DREW

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to provide Protection for Life Insurance Policies of Members of the Armed Forces.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation,—

1. In this Act,—

“beneficiary”;
Rev. Stat.,
c. 256.

(a) “beneficiary” shall mean a person designated or appointed as such pursuant to *The Insurance Act*;

“Board”;

(b) “Board” shall mean Active Service Life Insurance Protection Board;

“dependent”;

(c) “dependent” shall mean a person who is dependent upon a member of the forces for his livelihood or any substantial part thereof;

“insured”;

(d) “insured” shall mean a member of the forces whose life is insured under a policy and who was ordinarily resident in Ontario at the time he became a member of the forces;

“member of the forces”;

(e) “member of the forces” shall mean,—

(i) any person who, having voluntarily offered himself for appointment to or enlistment in any of His Majesty’s naval, military or air forces, has been appointed to or enlisted in such forces and has been placed on active service therein;

(ii) any person who, having been called up pursuant to *The National Resources Mobilization Act, 1940*, (Canada) and the regulations thereunder, for training, service or duty in any of His Majesty’s naval, military or air forces raised in Canada, has volunteered to serve

1940, c. 13,
(Canada).

EXPLANATORY NOTES

GENERAL. The Bill provides for the protection of life insurance on the lives of members of the forces. The particulars of the plan are explained in the explanatory notes to the sections.

SECTION 1. "Member of the forces" is defined to include those members who have volunteered for active service and any such member who having been discharged from the forces is receiving treatment under the Department of Pensions and National Health or who is participating in a rehabilitation scheme which has been designated by the Lieutenant-Governor in Council.

The policies of insurance which come under the Act are indicated in the definition of "policy".

on active service therein and has in consequence thereof been placed on active service; and

- (iii) any person mentioned in subclause i or ii who having been discharged from the forces, is receiving treatment under the Department of Pensions and National Health (Canada) or is in receipt of assistance or benefit under any rehabilitation organization, agency or scheme designated by the Lieutenant-Governor in Council.

"Minister";

Rev. Stat.,
c. 256.

- (f) "Minister" shall mean the member of the Executive Council charged with the administration of *The Insurance Act*;

"policy";

- (g) "policy" shall mean a contract of life insurance within the meaning of *The Insurance Act*, other than group life insurance, issued by an insurer licensed under that Act where,—

- (i) the policy is in force on a premium paying basis at the time application is made hereunder, and

- (ii) the policy does not provide for payment of any sum less than the face amount thereof, or for payment of an additional premium, in the event the person whose life is insured engages in service in His Majesty's naval, military or air forces; and

"Treasurer".

- (h) "Treasurer" shall mean Treasurer of Ontario.

Active
Service Life
Insurance
Protection
Board.

2. There shall be a Board to be known as the Active Service Life Insurance Protection Board composed of a chairman who shall be a judge of a county or district court, a person chosen to represent members of the forces, and an official of the Department of Insurance, who shall be appointed by and receive such remuneration and expenses as the Lieutenant-Governor in Council may determine.

Application
for pro-
tection.

3. An insured, his beneficiary, a dependent of the insured, or a person designated by the insured may make application under this Act to the Board for the protection of this Act and such application shall be in the form prescribed by the regulations and verified by affidavit.

Notice,
etc.

4. The Board shall have power to give all necessary directions with regard to service of notice and other matters

SECTION 2. The establishment of the Active Service Life Insurance Protection Board is provided for.

SECTION 3. This section prescribes the persons who may make application for the benefits of the Act.

SECTION 4. The general powers which the Board will require to have for the due administration of the Act are vested in it.

incidental to the application and shall have the same power of summoning any person and requiring him to give evidence on oath and to produce such documents and things as may be requisite and of enforcing the attendance of witnesses and compelling them to give evidence and produce documents and things as is vested in any court in civil cases.

Hearing of
application.

5.—(1) The Board may deal with an application upon the information contained therein and shall, if requested by the applicant, or if deemed necessary may hold a hearing and hear such evidence and representations as it deems proper and shall have full authority to determine all questions which may arise and if the Board is of opinion that the inability of the insured to pay his life insurance premiums is attributable to the fact that he is a member of the forces, the Board may make an order that the protection of this Act shall apply to any policy of the insured while he is a member of the forces and for such period thereafter, not exceeding one year, as it may deem proper and in such case shall make such provision as to payment of premiums or other charges by the Treasurer as may be necessary to maintain the policy in force during such period.

Order of
Board.

Designating
policies
entitled to
protection.

(2) The Board shall designate in the order the policy or policies of the insured, not exceeding a total of \$10,000 of insurance, entitled to the protection of this Act and shall forthwith notify the insurer.

Order to
be final.

(3) An order of the Board under this section made after a hearing shall, subject only to review by the Board, be final and shall not be subject to appeal.

Division of
policies.

6. The Board shall have the power when designating a policy or policies under section 5, to direct any insurer to divide the amount of insurance under any policy into two or more policies.

Policy not
to lapse.

7. Any policy designated and notified to the insurer as being entitled to the protection of this Act shall not, from the date application is made under this Act, lapse or otherwise terminate or be forfeited for the non-payment of premium or the non-payment of any indebtedness or interest until the termination of the period of protection specified in the order made under section 5.

Effect of
protection
order.

8. Where a policy has been designated by the Board as entitled to protection under this Act,—

- (a) the premiums and other charges payable in respect thereof under an order of the Board shall be paid by the Treasurer out of the Consolidated Revenue Fund;

SECTION 5. This is the section which authorizes the Board to extend the protection of the Act to insurance policies on the life of a member of the forces not exceeding a total of \$10,000 of insurance. The protection may be extended while the member continues to be a member of the forces and for a period thereafter not exceeding one year. Subject only to review by the Board, an order made by the Board is final.

SECTION 6. Self-explanatory.

SECTION 7. The nature of the protection afforded by the Act is prescribed.

SECTION 8. Clause (a) provides for the payment of premiums by the Treasurer in accordance with the orders of the Board. Clause (b) prohibits payment of any dividend, bonus, loan or other similar payment during the continuance of the protection. Clauses (c) and (d) provide for the repayment to the Province of moneys advanced, with interest at three per centum.

- (b) no dividend, bonus, loan, cash or other value shall be paid to the insured or anyone on his behalf during the period of protection except as provided in clause *c*;
- (c) where the policy matures as a death claim or otherwise during the period of protection, the insurer shall pay the amount due under the provisions of the policy to the persons entitled thereto after deducting the amount advanced by the Treasurer under clause *a*, together with interest at three per centum per annum, which amount shall be paid to the Treasurer and thereupon the insurer shall be fully discharged; and
- (d) where the policy does not mature during the period of protection and the insured has not at the termination of such period paid to the Treasurer the amount advanced under clause *a* together with interest at three per centum per annum, the insurer shall, to the extent of the cash surrender value of the policy less any indebtedness to the insurer thereunder, pay to the Treasurer the amount so advanced, or any unpaid balance thereof, with interest at three per centum per annum, and such payment by the insurer shall be deemed to be an advance to the persons entitled thereto under the terms of the policy.

Recovery
of amount
paid by
Province.

9. Any amount paid by the Treasurer under this Act to an insurer with respect to any policy shall be recoverable as a debt due by the insured under such policy to the Treasurer.

Board may
review
order.

10. The Board may review any order made under section 5 and where the Board is of opinion that any of the relevant circumstances have substantially altered it may vary such order or make such further order as it may deem proper.

Information
concerning
policies.

11. The Board may require such information from insurers or other persons concerning policies protected by this Act as it may deem necessary.

Annual
report of
Board.

12. The Board shall annually submit to the Minister a report of its operations and such report shall be submitted to the Legislature as soon as may be.

Regulations.

13. The Lieutenant-Governor in Council may make such regulations and prescribe such forms as may be necessary for the carrying out of the purpose and intent of this Act.

Remunera-
tion and
expenses of
Board.

14. The remuneration and expenses of the Board and all payments of premiums made by the Treasurer pursuant to this Act shall be paid out of the Consolidated Revenue Fund.

SECTIONS 9 to 16. Self-explanatory.

Commence-
ment of Act.

15. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

16. This Act may be cited as *The Active Service Life Insurance Protection Act, 1944.*

An Act to provide Protection for Life
Insurance Policies of Members of
the Armed Forces.

1st Reading

March 17th, 1944

2nd Reading

3rd Reading

MR. DREW

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

**Act to provide Protection for Life Insurance Policies of Members of
the Armed Forces.**

MR. DREW

BILL

An Act to provide Protection for Life Insurance Policies of Members of the Armed Forces.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpreta-
tion,—

1. In this Act,—

“benefi-
ciary”;
Rev. Stat.,
c. 256.

(a) “beneficiary” shall mean a person designated or appointed as such pursuant to *The Insurance Act*;

“Board”;

(b) “Board” shall mean Active Service Life Insurance Protection Board;

“depend-
ent”;

(c) “dependent” shall mean a person who is dependent upon a member of the forces for his livelihood or any substantial part thereof;

“insured”;

(d) “insured” shall mean a member of the forces whose life is insured under a policy and who was ordinarily resident in Ontario at the time he became a member of the forces;

“member of
the forces”;

(e) “member of the forces” shall mean,—

(i) any person who, having voluntarily offered himself for appointment to or enlistment in any of His Majesty’s naval, military or air forces, has been appointed to or enlisted in such forces and has been placed on active service therein;

(ii) any person who, having been called up pursuant to *The National Resources Mobilization Act, 1940*, (Canada) and the regulations thereunder, for training, service or duty in any of His Majesty’s naval, military or air forces raised in Canada, has volunteered to serve

1940, c. 13,
(Canada).

on active service therein and has in consequence thereof been placed on active service; and

- (iii) any person mentioned in subclause i or ii who having been discharged from the forces, is receiving treatment under the Department of Pensions and National Health (Canada) or is in receipt of assistance or benefit under any rehabilitation organization, agency or scheme designated by the Lieutenant-Governor in Council.

(f) "Minister" shall mean the member of the Executive Council charged with the administration of *The Insurance Act*; "Minister";
Rev. Stat.,
c. 256.

(g) "policy" shall mean a contract of life insurance within the meaning of *The Insurance Act*, other than group life insurance, issued by an insurer licensed under that Act where,— "policy";

- (i) the policy is in force on a premium paying basis at the time application is made hereunder, and

- (ii) the policy does not provide for payment of any sum less than the face amount thereof, or for payment of an additional premium, in the event the person whose life is insured engages in service in His Majesty's naval, military or air forces; and

(h) "Treasurer" shall mean Treasurer of Ontario. "Treasurer".

2. There shall be a Board to be known as the Active Service Life Insurance Protection Board composed of a chairman who shall be a judge of a county or district court, a person chosen to represent members of the forces, and an official of the Department of Insurance, who shall be appointed by and receive such remuneration and expenses as the Lieutenant-Governor in Council may determine. Active
Service Life
Insurance
Protection
Board.

3. An insured, his beneficiary, a dependent of the insured, or a person designated by the insured may make application under this Act to the Board for the protection of this Act and such application shall be in the form prescribed by the regulations and verified by affidavit. Application
for pro-
tection.

4. The Board shall have power to give all necessary directions with regard to service of notice and other matters Notice.
etc.

incidental to the application and shall have the same power of summoning any person and requiring him to give evidence on oath and to produce such documents and things as may be requisite and of enforcing the attendance of witnesses and compelling them to give evidence and produce documents and things as is vested in any court in civil cases.

Hearing of
application.

5.—(1) The Board may deal with an application upon the information contained therein and shall, if requested by the applicant, or if deemed necessary may hold a hearing and hear such evidence and representations as it deems proper and shall have full authority to determine all questions which may arise and if the Board is of opinion that the inability of the insured to pay his life insurance premiums is attributable to the fact that he is a member of the forces, the Board may make an order that the protection of this Act shall apply to any policy of the insured while he is a member of the forces and for such period thereafter, not exceeding one year, as it may deem proper and in such case shall make such provision as to payment of premiums or other charges by the Treasurer as may be necessary to maintain the policy in force during such period.

Order of
Board.

Designating
policies
entitled to
protection.

(2) The Board shall designate in the order the policy or policies of the insured, not exceeding a total of \$10,000 of insurance, entitled to the protection of this Act and shall forthwith notify the insurer.

Order to
be final.

(3) An order of the Board under this section made after a hearing shall, subject only to review by the Board, be final and shall not be subject to appeal.

Division of
policies.

6. The Board shall have the power when designating a policy or policies under section 5, to direct any insurer to divide the amount of insurance under any policy into two or more policies.

Policy not
to lapse.

7. Any policy designated and notified to the insurer as being entitled to the protection of this Act shall not, from the date application is made under this Act, lapse or otherwise terminate or be forfeited for the non-payment of premium or the non-payment of any indebtedness or interest until the termination of the period of protection specified in the order made under section 5.

Effect of
protection
order.

8. Where a policy has been designated by the Board as entitled to protection under this Act,—

- (a) the premiums and other charges payable in respect thereof under an order of the Board shall be paid by the Treasurer out of the Consolidated Revenue Fund;

- (b) no dividend, bonus, loan, cash or other value shall be paid to the insured or anyone on his behalf during the period of protection except as provided in clause c;
- (c) where the policy matures as a death claim or otherwise during the period of protection, the insurer shall pay the amount due under the provisions of the policy to the persons entitled thereto after deducting the amount advanced by the Treasurer under clause a, together with interest at three per centum per annum, which amount shall be paid to the Treasurer and thereupon the insurer shall be fully discharged; and
- (d) where the policy does not mature during the period of protection and the insured has not at the termination of such period paid to the Treasurer the amount advanced under clause a together with interest at three per centum per annum, the insurer shall, to the extent of the cash surrender value of the policy less any indebtedness to the insurer thereunder, pay to the Treasurer the amount so advanced, or any unpaid balance thereof, with interest at three per centum per annum, and such payment by the insurer shall be deemed to be an advance to the persons entitled thereto under the terms of the policy.

9. Any amount paid by the Treasurer under this Act to an insurer with respect to any policy shall be recoverable as a debt due by the insured under such policy to the Treasurer. Recovery of amount paid by Province.

10. The Board may review any order made under section 5 and where the Board is of opinion that any of the relevant circumstances have substantially altered it may vary such order or make such further order as it may deem proper. Board may review order.

11. The Board may require such information from insurers or other persons concerning policies protected by this Act as it may deem necessary. Information concerning policies.

12. The Board shall annually submit to the Minister a report of its operations and such report shall be submitted to the Legislature as soon as may be. Annual report of Board.

13. The Lieutenant-Governor in Council may make such regulations and prescribe such forms as may be necessary for the carrying out of the purpose and intent of this Act. Regulations.

14. The remuneration and expenses of the Board and all payments of premiums made by the Treasurer pursuant to this Act shall be paid out of the Consolidated Revenue Fund. Remuneration and expenses of Board.

Commence-
ment of Act. **15.** This Act shall come into force on a day to be named by
the Lieutenant-Governor by his Proclamation.

Short title. **16.** This Act may be cited as *The Active Service Life
Insurance Protection Act, 1944.*

An Act to provide Protection for Life
Insurance Policies of Members of
the Armed Forces.

1st Reading

March 17th, 1944

2nd Reading

March 22nd, 1944

3rd Reading

March 24th, 1944

MR. DREW

No. 60

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Active Service Moratorium Act, 1943.

MR. DREW

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Active Service Moratorium Act, 1943.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1943, c. 1,
s. 1, cl. c,
re-enacted.

1. Clause *c* of section 1 of *The Active Service Moratorium Act, 1943*, is repealed and the following substituted therefor:

"member
of the
forces".

(c) "member of the forces" and "member" shall mean,—

(i) any person who, having voluntarily offered himself for appointment to or enlistment in any of His Majesty's naval, military or air forces, has been appointed to or enlisted in such forces and has been placed on active service therein;

1940, c. 13,
(Canada)

(ii) any person who, having been called up pursuant to *The National Resources Mobilization Act, 1940* (Canada) and the regulations thereunder, for training, service or duty in any of His Majesty's naval, military or air forces raised in Canada, has volunteered to serve on active service therein and has in consequence thereof been placed on active service; and

(iii) any person mentioned in subclause i or ii who having been discharged from the forces, is receiving treatment under the Department of Pensions and National Health (Canada) or is in receipt of assistance or benefit under any rehabilitation organization, agency or scheme designated by the Lieutenant-Governor in Council.

1943, c. 1,
s. 3, cl. b,
re-enacted.

2. Clause *b* of section 3 of *The Active Service Moratorium Act, 1943*, is repealed and the following substituted therefor:

EXPLANATORY NOTE

The Bill brings *The Active Service Moratorium Act, 1943*, which relates to mortgage proceedings, into line with Bills 58 and 59 by rendering the definitions and the provisions relating to termination of relief uniform in all cases.

- (b) commenced or continued while the mortgagor, purchaser or other person who is a defendant is a member of the forces or within one year thereafter.

1943, c. 1,
s. 5, subs. 1,
amended.

3. Subsection 1 of section 5 of *The Active Service Moratorium Act, 1943*, is amended by striking out the word "time" in the seventh line and inserting in lieu thereof the words "period during which the member is a member of the forces and not exceeding one year thereafter and", so that the said subsection shall now read as follows:

Order of
judge.

- (1) Upon the hearing of the application if the judge is of opinion that the applicant's inability to make such payment or perform such other terms is attributable to the fact that he is a member of the forces, he may in his absolute discretion make such order as he deems proper, having regard to the position of all the parties, staying or postponing the action or proceeding for such period during which the member is a member of the forces and not exceeding one year thereafter and upon such terms and conditions as he thinks fit.

1943,
c. 1, s. 14,
repealed.

4. Section 14 of *The Active Service Moratorium Act, 1943*, is repealed.

Commence-
ment of Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

6. This Act may be cited as *The Active Service Moratorium Amendment Act, 1944*.



1st Reading

March 17th, 1944

2nd Reading

3rd Reading

MR. DREW

No. 60

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Active Service Moratorium Act, 1943.

MR. DREW

TORONTO
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BILL

An Act to amend The Active Service Moratorium Act, 1943.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1943, c. 1,
s. 1, cl. c,
re-enacted.

1. Clause *c* of section 1 of *The Active Service Moratorium Act, 1943*, is repealed and the following substituted therefor:

"member
of the
forces".

(c) "member of the forces" and "member" shall mean,—

(i) any person who, having voluntarily offered himself for appointment to or enlistment in any of His Majesty's naval, military or air forces, has been appointed to or enlisted in such forces and has been placed on active service therein;

1940, c. 13,
(Canada)

(ii) any person who, having been called up pursuant to *The National Resources Mobilization Act, 1940* (Canada) and the regulations thereunder, for training, service or duty in any of His Majesty's naval, military or air forces raised in Canada, has volunteered to serve on active service therein and has in consequence thereof been placed on active service; and

(iii) any person mentioned in subclause i or ii who having been discharged from the forces, is receiving treatment under the Department of Pensions and National Health (Canada) or is in receipt of assistance or benefit under any rehabilitation organization, agency or scheme designated by the Lieutenant-Governor in Council.

1943, c. 1,
s. 3, cl. b,
re-enacted.

2. Clause *b* of section 3 of *The Active Service Moratorium Act, 1943*, is repealed and the following substituted therefor:

- (b) commenced or continued while the mortgagor, purchaser or other person who is a defendant is a member of the forces or within one year thereafter.

3. Subsection 1 of section 5 of *The Active Service Moratorium Act, 1943*, is amended by striking out the word "time" ^{1943, c. 1, s. 5, subs. 1, amended.} in the seventh line and inserting in lieu thereof the words "period during which the member is a member of the forces and not exceeding one year thereafter and", so that the said subsection shall now read as follows:

- (1) Upon the hearing of the application if the judge is ^{Order of judge.} of opinion that the applicant's inability to make such payment or perform such other terms is attributable to the fact that he is a member of the forces, he may in his absolute discretion make such order as he deems proper, having regard to the position of all the parties, staying or postponing the action or proceeding for such period during which the member is a member of the forces and not exceeding one year thereafter and upon such terms and conditions as he thinks fit.

4. Section 14 of *The Active Service Moratorium Act, 1943*, ^{1943, c. 1, s. 14, repealed.} is repealed.

5. This Act shall come into force on the day upon which it ^{Commencement of Act.} receives the Royal Assent:

6. This Act may be cited as *The Active Service Moratorium Amendment Act, 1944*. ^{Short title.}



An Act to amend The Active Service
Moratorium Act, 1943.

1st Reading

March 17th, 1944

2nd Reading

March 22nd, 1944

3rd Reading

March 24th, 1944

MR. DREW

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

The Liquor Authority Control Act, 1944.

MR. BLACKWELL

BILL

The Liquor Authority Control Act, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpreta-
tion,—

1. In this Act,—

- | | |
|-----------------------------------|--|
| "authority"; | (a) "authority" shall mean an authority issued under this Act; |
| "authority district"; | (b) "authority district" shall mean an authority district constituted under this Act; |
| "authorized premises"; | (c) "authorized premises" shall mean premises for which an authority is issued; |
| "beer";
Rev. Stat.,
c. 294. | (d) "beer" shall mean beer as defined by <i>The Liquor Control Act</i> ; |
| "Board"; | (e) "Board" shall mean The Liquor Authority Control Board of Ontario; |
| "justice"; | (f) "justice" shall mean magistrate and where no magistrate is available shall mean two or more justices of the peace; |
| "liquor"; | (g) "liquor" shall mean liquor as defined by <i>The Liquor Control Act</i> ; |
| "Minister"; | (h) "Minister" shall mean the member of the Executive Council to whom, for the time being, is assigned the administration of this Act; |
| "regulations"; | (i) "regulations" shall mean regulations made under this Act; and |
| "wine". | (j) "wine" shall mean wine as defined by <i>The Liquor Control Act</i> . |

EXPLANATORY NOTES

GENERAL: The Bill provides for the establishment of a board to be known as The Liquor Authority Control Board of Ontario. The power to issue authorities for the sale of beer and wine is, by the Bill, vested in the Board and no authority may be transferred or otherwise dealt with without the consent of the Board.

Creation of Board.

The Liquor
Authority
Control
Board.

2. There shall be a Board known as "The Liquor Authority Control Board of Ontario" consisting of three members appointed by the Lieutenant-Governor in Council.

Chairman
and vice-
chairman.

3. The Lieutenant-Governor in Council may designate one of the members of the Board to be chairman thereof, and may designate another of the members to be vice-chairman.

Quorum.

4. Two members of the Board shall constitute a quorum.

Disquali-
fication,—
members
and staff.

5. No member, registrar, deputy registrar, official, inspector or employee of the Board shall by himself, his partner or agent have any interest directly or indirectly in,—

(a) a person, company, corporation, partnership, syndicate or other organization engaged in the manufacture, sale or distribution of liquor, beer or wine;

(b) any authorized premises; or

(c) any contract of any nature in respect to any authorized premises, or any premises upon which liquor, beer or wine is manufactured, produced, sold or kept for sale.

Salaries of
Board.

6. The members of the Board shall be paid such salaries as may be fixed by the Lieutenant-Governor in Council.

Staff.

7. The staff of the Board shall consist of a registrar, deputy registrars, and such officials, inspectors and employees as the Board, with the approval of the Lieutenant-Governor in Council, may appoint.

Salaries of
staff.

8. The registrar, deputy registrars, officers, inspectors and employees of the Board shall be paid such salaries or other remuneration as the Board with the approval of the Lieutenant-Governor in Council may determine.

Special
services.

9. Whenever the Board, by virtue of any power vested in it, appoints or directs any person other than a member of the staff of the Board to perform any service such person shall be paid such sum for services and expenses as the Board with the approval of the Lieutenant-Governor in Council may determine.

Payment
by
Provincial
Treasurer.

10. The salaries or other remuneration of the members of the Board, the registrar, deputy registrars, officials, inspectors and employees and all other expenses of the Board shall be

SECTIONS 2, 3, 4. Provide for the establishment of the Board.

SECTION 5. Prohibits a member of the Board or of its staff from having certain interests which might conflict with their duties.

SECTIONS 6-11. Self-explanatory.

paid monthly by the Treasurer of Ontario out of the net profits of The Liquor Control Board of Ontario.

Officials not
compelled
to testify.

11. No member of the Board, registrar, deputy registrar, official, inspector or employee of the Board shall be compellable to give testimony in a court of civil jurisdiction with regard to information obtained by him in the discharge of his official duty, or to produce any files, papers, information, reports, correspondence or other documents relating to the business of the Board.

Authority Districts.

Authority
districts.

12. The Lieutenant-Governor in Council may designate any area in Ontario as an authority district.

Proceedings Before Board.

Form of
pocceedings.

13. Proceedings before the Board shall be instituted by application and the Board may make such orders, give such directions and issue such certificates as it may deem proper or as may be necessary or incidental to the exercise of its powers.

Review
or order.

14. Where in the opinion of the Board any of the relevant circumstances relating to any application heard by it have altered or new evidence in connection therewith has become available the Board may review any order made upon such application.

Attendance
of witnesses.

15. The Board may summon any person and require him to give evidence on oath and to produce such documents and things as the Board deems requisite and the Board shall have the same power to enforce the attendance of witnesses and to compel them to give evidence and produce documents and things as is vested in any court in civil cases.

Validity
of orders.

16. No order, direction, certificate or subpoena or other document of the Board shall be valid or binding unless it is issued in the name of the Board, sealed with the seal of the Board as attested by the signature of the registrar or a deputy registrar.

Finality of
orders.

17. The decisions, orders and rulings of the Board shall be final and shall not be questioned, reviewed or restrained by injunction, prohibition, mandamus, quo warranto proceedings or other process or proceedings in any court, or be removed by certiorari or otherwise in any court; provided, however, that the Board may or at the request of any person having a proprietary interest in the matter before the Board, state a

SECTION 12. For the purpose of the administration of the Act the Province may be divided into authority districts in which the Board will hold meetings for the hearing of applications.

SECTIONS 13-17. The form of proceedings before the Board and the nature of its powers are prescribed.

R.S.C.,
c. 36.

case on a point of law only as provided by Part XV of the *Criminal Code* (Canada).

Authorities.

Powers of
Board.

18. Except as herein provided the Board may issue authorities for the sale of beer and wine in respect of such premises as the regulations may prescribe or define and may renew, consent to the transfer of, suspend or cancel any such authority and shall not be required to give reasons for any such action.

Expiration
of
authority.

19. Subject to the provisions of this Act relating to the renewal, suspension and cancellation of authorities, every authority shall expire at midnight on the 31st day of March next following the issue thereof.

Restriction
on number
of authori-
ties.

20. The Board may restrict the number of authorities which it shall issue in any municipality.

Where
issue of
authority
prohibited.

21.—(1) No authority may be issued or renewed under this Act to any person who,—

- (a) in the opinion of the Board, is not a fit and proper person, or is not the true owner of the business carried on at the premises for which the authority is sought;
- (b) has been convicted of any offence against such of the laws of Canada or Ontario as the regulations may prescribe;
- (c) is disqualified under this Act or the regulations or has not complied with the requirements thereof;
- (d) as a police constable, police officer or in any other capacity is engaged in law enforcement, or to any member of the family of any such person residing with him;
- (e) if an individual, is not a British subject;
- (f) if a corporation, does not comply with the requirements of this Act and the regulations;
- (g) if a club, does not comply with the requirements of this Act and the regulations; or
- (h) applies in respect of any premises which do not conform to the regulations or any premises for which by reason of the location thereof an authority may

SECTION 18. This section prescribes the principal powers of the Board.

SECTIONS 19, 20. Self-explanatory.

SECTIONS 21, 22. Prescribe certain conditions under which authorities cannot be issued.

not be issued because of the provisions of *The Liquor Control Act*.

Failure to disclose.

(2) Any person applying for the issue or renewal of an authority who fails to make full disclosure in the form of application regarding any of the matters referred to in this section and subsection 1 of section 22 shall be guilty of an offence.

Where issue of authority prohibited.

22.—(1) No authority may be issued or renewed under this Act,—

- (a) to any person who is under agreement with any person to sell the liquor, beer or wine of any manufacturer;
- (b) to any manufacturer of liquor, beer or wine or his agent, or to any person who is so associated or connected therewith, or financially interested therein as to be likely to promote the sale thereof;
- (c) to any person who by reason of any agreement, arrangement, concession, obligation or understanding, verbal or written, or direct or indirect, with any other person is or by reason thereof may be likely to promote the sale of liquor, beer or wine of any manufacturer; or
- (d) for any premises in which any manufacturer of liquor, beer or wine has any interest, whether freehold or leasehold, or by way of mortgage or charge or other incumbrance, or by way of mortgage, lien or charge upon any chattel property therein and whether such interest is direct or indirect or contingent or by way of suretyship or guarantee.

Failure to disclose.

(2) If the existence of any of the conditions indicated in subsection 1, whether such condition existed at the time of the issue of the authority or arises thereafter, is not disclosed to the Board such non-disclosure shall be an offence and no action or other proceeding shall be brought or commenced in any court in Ontario in respect of such agreement, arrangement, concession, obligation, undertaking or interest.

Corporations.

23.—(1) No authority may be issued to a corporation which is not incorporated in accordance with the regulations.

Information re corporations.

(2) The directors of an incorporated company which applies for the issue, renewal or transfer to it of an authority, shall at the time of making such application or at any other time during the term of the authority, when ordered by the Board, produce such particulars of the officers and shareholders of the company as may be required.

SECTION 23. Special provisions relating to corporations are prescribed.

Clubs. **24.**—(1) No authority may be issued in respect of a club which is not incorporated or organized and operated in accordance with the regulations or in respect of a club which is operated for pecuniary gain.

Veterans' clubs. (2) Notwithstanding the provisions of subsection 1, the Board may issue an authority to a club which is a duly chartered branch of any of the established war veterans' organizations in Canada as prescribed by the regulations.

Labour clubs. (3) Notwithstanding the provisions of subsection 1, the Board may issue an authority to a club which is a fully chartered branch or union of any of the established labour organizations in Canada as prescribed by the regulations.

Veterans' and club branches. (4) Any member of a chartered branch of any of the war veterans' organizations, or labour organizations prescribed by the regulations shall for the purposes of this Act, be deemed to be a member of a chartered branch to which an authority is issued under this Act, if the rules of the organization and of such branch so permit.

Rights in Authority.

Authority not to confer any vested right. **25.** No person shall enjoy a vested right in the continuance of an authority and upon the issue, renewal, transfer, cancellation or suspension thereof, the value of such authority shall not be capitalized but shall become the property of the Crown in right of Ontario.

Annual Meeting.

Annual meeting. **26.** The Board shall hold an annual meeting at a convenient place determined by the Board in each authority district between the 1st day of November and the 31st day of January in the year next following.

Notice of annual meeting. **27.** Notice of the annual meeting in the form prescribed by the regulations shall be published in a newspaper having a general circulation in the authority district at least ten days before such meeting.

Business of Board. **28.** The Board shall at the annual meeting hear and determine applications for the renewal of authorities.

Special Meetings.

Special meetings. **29.** The Board may hold such special meetings as it deems necessary for the hearing and determination of,—

(a) applications for new authorities;

SECTION 24. This section deals with certain types of clubs. Existing practice under *The Liquor Control Act* is followed.

SECTION 25. This section corresponds to section 77 of *The Liquor Control Act* and is self-explanatory.

SECTIONS 26-29. These sections provide for the holding of meetings of the Board and prescribe the business which shall be conducted at such meetings.

- (b) deferred applications for renewals of authorities;
- (c) proceedings involving the cancellation or suspension of an authority;
- (d) applications for transfers of authorities;
- (e) proceedings in compensation matters;
- (f) applications for revocation of the suspension of an authority;
- (g) applications for review of orders of the Board; and
- (h) other matters within the jurisdiction of the Board.

Proceedings on Applications.

Filing of
application.

30. Every application shall be in the form prescribed by the regulations and shall be filed with the deputy registrar of the authority district in which are located the premises concerning which the application is made not less than ten days before the meeting of the Board at which the application is to be heard.

Publication.

31. Notice of the application for an authority in the form prescribed by the regulations shall be published twice in a newspaper having a general circulation in the authority district, such publications to be at least one week apart and the second of such publications to be not less than two weeks before the meeting of the Board at which the application is to be heard.

Personal
application.

32. An authority shall not be issued by the Board unless the applicant therefor appears in person but an incorporated company may be represented by a director, official or manager duly certified as such to the satisfaction of the Board.

Renewals.

33. Unless otherwise directed by the Board it shall not be necessary for an applicant for the renewal of an authority to publish notice of his application or to appear in person before the Board.

Objections.

34.—(1) Any person resident in an authority district where the premises concerning which the application is made, may object to the application and the grounds of objection in writing shall be filed with the deputy registrar at least three days before the meeting at which the application is to be heard.

Applicant
to be
notified.

(2) Upon the receipt of any objection to an application, the deputy registrar shall notify the applicant thereof.

SECTIONS 30-34. The procedure to be followed in making application for the issue or renewal of an authority is prescribed.

Cancellation and Suspension of Authorities.

Application
for can-
cellation.

35.—(1) Upon an application being made to the Board for the cancellation or suspension of an authority, the Board may in its discretion by notice in writing require the holder of the authority to show cause to the Board why the authority should not be cancelled or suspended, and in the event of the failure of the holder of the authority to show cause the Board shall take such action as the circumstances may require.

Notice to
authority
holder.

(2) The notice required by subsection 1 shall be sent by prepaid post by the Board to the authority holder at his last known address at least seven days before the date of the meeting.

Powers of
Board at
hearing.

36. Upon the hearing of an application for suspension or cancellation of an authority the Board may dismiss the application or make such order as it deems proper and in any such order may,—

- (a) suspend the authority for an indefinite period;
- (b) cancel the authority;
- (c) disqualify any person from holding an authority;
- (d) disqualify any premises from being eligible as authorized premises; and
- (e) impose such conditions upon the holder of the authority as the circumstances may require.

When
authority
to be
cancelled.

37. The Board shall cancel an authority for the following causes,—

- (a) persistent non-compliance of the authority holder with the requirements of this Act or *The Liquor Control Act* or the regulations hereunder or thereunder;
- (b) persistent failure by the authority holder to carry out the orders of the Board, The Liquor Control Board of Ontario or the Fire Marshal of Ontario;
- (c) persistent failure to keep the authorized premises in a clean and sanitary condition;
- (d) persistent non-compliance by the authority holder of any municipal by-law affecting the authorized premises; or

Rev. Stat.,
c. 294.

SECTIONS 35-37. These sections deal with procedure upon applications for cancellation and suspension, and section 37 prescribes the circumstances under which the Board is required to cancel the authority.

- (e) the existence of any of the circumstances which under the provisions of subsection 1 of section 21 or subsection 1 of section 22 prevent the issue of an authority.

Transfer of Authorities.

Transfer of
authorities.

38.—(1) No authority may be sold, leased, assigned, charged, transferred or otherwise dealt in or disposed of except with the consent in writing of the Board and the Board shall not under any circumstances be bound to give such consent.

Monopoly
value to be
paid to
Treasurer
of Ontario.

(2) Upon any transfer of an authority the vendor shall pay to the Treasurer of Ontario the monopoly value of the authority at the time of sale to be determined by a fee, schedule, or other method of valuation as may be prescribed by the regulations, provided that in no event shall the vendor be required to pay a sum upon a transfer which shall operate to reduce the vendor's interest after such payment below the value of the actual capital investment of the vendor at the time of the transfer of the authority.

Transfer of
shares in in-
corporated
company.

(3) The Board may in its discretion require the directors of any incorporated company which is the holder of an authority to present to the Board for approval any transfer of shares of its capital stock and where in the opinion of the Board a substantial interest is transferred the provisions of subsection 2 shall *mutatis mutandis* apply.

Power of
Board to
purchase
premises.

39.—(1) Subject to the approval of the Lieutenant-Governor in Council the Board shall have the right to purchase any authorized premises or any shareholding interest therein at the price and on the terms stipulated in any agreement for sale, offer for sale or transfer coming before the Board for its consent under the provisions of section 38 and the Board may exercise such right by serving notice in writing thereof upon the vendor.

Payment of
purchase
price.

(2) Whenever the Board has exercised the right of purchase mentioned in subsection 1, the purchase price or any portion thereof necessary to complete the transaction shall be paid by the Treasurer of Ontario out of the net profits of The Liquor Control Board of Ontario upon the requisition of the Board.

Board
may sell
authorized
premises.

(3) Subject to the approval of the Lieutenant-Governor in Council, the Board may sell any authorized premises or an shareholding interest acquired under this section.

SECTION 38. No authority may be transferred or similarly dealt with without the consent of the Board. Upon a transfer the monopoly value of the authority, calculated in the manner prescribed, is required to be paid to the Treasurer of Ontario and a similar requirement applies where a substantial block of stock of a company controlling an authorized premises, is transferred.

SECTION 39. The Board is empowered to purchase authorized premises where they are offered for sale and is given the necessary authority to dispose thereof. In both cases the approval of the Lieutenant-Governor in Council is required.

Compensation for Disqualification.

Compensation may be awarded.

40.—(1) Where the Board disqualifies any premises from holding an authority for a cause which is not the fault of or is beyond the control of the authority holder, it may, subject to the approval of the Lieutenant-Governor in Council, award by way of compensation to the owner of the premises or to the holder of the authority as the Board sees fit a sum not exceeding the amount by which the value of the capital investment is depreciated by reason of the disqualification of such premises which sum shall be determined by a fee, schedule, or other method of valuation prescribed by the regulations.

Payment by Treasurer of Ontario.

(2) The Treasurer of Ontario shall pay out of the net profits of The Liquor Control Board of Ontario the compensation mentioned in subsection 1 upon the requisition of the Board.

Revenue.

Payment of revenue.

41. All monies received by the Board from authority fees or otherwise arising in the administration of this Act shall be paid to The Liquor Control Board of Ontario.

Sale of Liquor in Authorized Premises.

Beer and wine bought under control of Board.

42. No beer or wine may be kept for sale, sold or served in any authorized premises for which an authority is issued except such beer or wine as the authority may prescribe, bought under control of the Board and in accordance with the regulations.

Authority to specify what may be sold.

(2) No beer or wine may be kept for sale, sold or served in any authorized premises other than the beer or wine specified in the authority, and such beer or wine shall be bought by the holder of the authority.

Sale of beer and wine in specified places only.

43. The Board shall in every authority issued specify the rooms or places in the authorized premises to which the sale, serving and consumption of beer or wine shall be restricted and confined.

Wine at meals only.

44. The Board shall not issue any authority for the sale of wine except in dining rooms in authorized premises.

Minors.

45.—(1) No beer or wine shall knowingly be sold or served in or at any authorized premises to any person who is under the age of twenty-one years.

Idem.

(2) No beer or wine shall be sold to a person who is apparently under the age of twenty-one years and in any prosecution for a violation of this subsection the justice shall

SECTION 40. Where the Board disqualifies any premises from holding an authority for cause which is not the fault of or is beyond the control of the authority holder, compensation will be paid to him.

SECTION 41. The revenue of the Board is paid to The Liquor Control Board of Ontario and is in turn paid to the Treasurer of Ontario.

SECTIONS 42-57. Prescribe offences, penalties and relevant procedure under the Act and follow, with certain revisions, the provisions now contained in *The Liquor Control Act*.

determine from the appearance of any such person and other relevant circumstances whether he is apparently under the age of twenty-one years.

Intoxicated persons.

(3) No beer or wine shall knowingly be sold or served in or at an authorized premises to any person who is in an intoxicated condition.

Conduct of premises.

(4) No person holding an authority under this Act shall permit or suffer in the premises for which the authority is issued,—

- (a) any constable or police officer while on duty to consume any liquor, beer or wine;
- (b) any gambling, drunkenness or any riotous, quarrelsome, violent or disorderly conduct to take place;
- (c) any person of notoriously bad character to remain; or
- (d) any slot machine or any device used for gambling to be placed, kept or maintained.

Minors on premises.

(5) No person holding an authority under this Act shall permit or suffer any person under or apparently under the age of twenty-one years to enter or be upon that part of the authorized premises where beer or wine is sold or kept for sale, except in a dining room.

Objectionable persons.

(6) Any person holding an authority under this Act, if he has reasonable grounds to suspect from the conduct of any person who has come upon the premises in respect of which such authority is issued, although not of notoriously bad character, that such person is present for some improper purpose or is committing an offence against this Act or the regulations, may request him or her to leave such authorized premises immediately, and unless the request is forthwith complied with such person may be forcibly removed.

Minors.

46.—(1) No person under the age of twenty-one years shall have, purchase or consume liquor, beer or wine on any authorized premises.

Idem.

(2) Any person under the age of twenty-one years who enters or is found upon that part of an authorized premises where beer or wine is sold or kept for sale, except a dining room, shall be guilty of an offence against this Act.

Sale and consumption.

47.—(1) No beer or wine may be sold or served to any person or consumed by him in any authorized premises, except in accordance with the regulations.

Erection of bars.

(2) Except as authorized by the Board no bar or counter

over or at which beer or wine could be sold or served shall be erected, placed, kept or maintained in any authorized premises.

Removal of
liquor
packages.

48. Proof of the removal of any beer or wine from any authorized premises in any packages shall be *prima facie* evidence against the person holding the authority for such premises of the sale of liquor contrary to the provisions of this Act or *The Liquor Control Act*.

Rev. Stat.,
c. 294.

Sales to
interdicted
persons
prohibited.

49. No person to whom the sale of intoxicating liquor is prohibited by statute of Canada or Ontario and no interdicted person shall be permitted or suffered to remain in any authorized premises.

Member of
the forces.

50. For the purposes of this Act, a member of the naval, military or air forces of Canada, who having been placed on active service or called out for training, service or duty, is serving in any of such forces shall be deemed to be twenty-one years of age or over.

Arrest with-
out warrant.

51. Any police officer or constable may arrest without warrant any person whom he finds committing an offence against this Act.

Penalties and Procedure.

Offences.

52. Every person who violates any of the provisions of this Act or the regulations made thereunder shall be guilty of an offence against this Act whether otherwise so declared or not.

Onus.

53. In the prosecution of any offence under this Act in which possession of liquor is an element of the offence, upon *prima facie* proof of such possession, unless the person charged with the offence proves that he did not commit the offence, he may be convicted thereof.

Penalties.

54.—(1) Every person who violates the provisions of subsection 1 of section 45 shall for the first offence be imprisoned for not less than one month nor more than three months, and for a second or subsequent offence be imprisoned for not less than four months nor more than twelve months.

Idem.

(2) Every person who violates any of the other provisions of this Act or the regulations shall be liable for a first offence to a fine of not less than \$10 nor more than \$500 and in default of immediate payment shall be imprisoned for a period not exceeding two months, or to imprisonment for a period not exceeding thirty days, or to both fine and imprisonment, and for a second or subsequent offence shall be imprisoned for a period not exceeding three months.

Corporations.

(3) Where an offender convicted of an offence referred to in this section is a corporation it shall be liable to a penalty of not less than \$1,000 nor more than \$3,000.

Analysis by Dominion or provincial analysts.

55. In any prosecution under this Act, or the regulations, production by a police officer, constable or peace officer, of a certificate or report signed or purporting to be signed by a Dominion or provincial analyst as to the analysis or ingredients of any liquor or other fluid or any preparation, compound or substance, such certificate or report shall be conclusive evidence of the facts stated in such certificate or report and of the authority of the person giving or making it without any proof of appointment or signature.

Inference as to intoxicating liquor.

56. The justice trying a case, shall in the absence of proof to the contrary, be at liberty to infer that the liquor in question is intoxicating from the fact that a witness describes it as intoxicating, or by a name which is commonly applied to an intoxicating liquor.

Recovery of penalties.

57.—(1) The penalties imposed by or under the authority of this Act shall be recoverable under *The Summary Convictions Act* and the provisions of the said Act shall apply to prosecutions thereunder, provided that the provisions of *The Liquor Control Act* relating to appeals shall apply to appeals under this Act.

Rev. Stat., cc. 136; 294.

Fines to be paid to Liquor Control Board.

(2) All penalties and money imposed under the provisions of this Act or the regulations, after deducting all necessary costs, shall be paid by the justice to The Liquor Control Board of Ontario as provided by *The Liquor Control Act* and the regulations thereunder.

Payment to treasurer of municipality.

(3) In every case where an officer appointed under section 139 of *The Liquor Control Act* is prosecutor or complainant, the entire penalty in money or such part thereof as is provided by law shall be paid to the treasurer of the municipality appointing such officer.

Employees of Authority Holders.

Employees in authorized premises.

58.—(1) The Board may require every person who, being an employee of a person to whom an authority is issued under this Act, is in any way engaged in selling or serving beer or wine to obtain an employee's authority from the Board in accordance with the regulations.

Sale by unauthorized employees.

(2) Where, as provided by subsection 1, employees are required by the Board to obtain an employee's authority, no person who is not so authorized may be employed in the sale or serving of beer or wine in any authorized premises.

SECTION 58. Necessary jurisdiction over employees of authority holders is given to the Board.

Regulations.

Regulations.

59. The Board, with the approval of the Lieutenant-Governor in Council, may make such regulations with respect to any and all matters and things provided for in this Act as the Board may deem necessary and, without limiting the generality of the foregoing, such powers shall extend to and include the following,—

- (a) classifying, governing, regulating, prescribing and defining premises in respect of which authorities may be issued;
- (b) governing, regulating, defining and designating the portions of premises and the rooms and places therein to which the keeping for sale, selling and consumption of beer and wine shall be restricted and confined;
- (c) governing the issue, renewal, transfer, refusal, suspension and cancellation of authorities;
- (d) governing the location, construction, arrangement, accommodation, equipment, maintenance, management and operation of authorized premises;
- (e) governing the purchase, delivery, keeping for sale, sale, serving and consuming of beer and wine;
- (f) prescribing the persons to whom the sale of beer or wine is to be restricted or prohibited;
- (g) prescribing the periods of the year and the days and hours when beer and wine may be sold, served and consumed;
- (h) prescribing the requirements applicable to the employees of holders of authorities and regulating their duties;
- (i) prescribing the books and records to be kept, returns to be made and information to be furnished with respect to authorized premises and the examination and audit which shall be made of such books and records;
- (j) prescribing the fees payable in respect of the issue and transfer of authorities;
- (k) prescribing the duties of the registrar, deputy registrars, officials, inspectors and employees of the Board;

SECTION 59. This section authorizes the making of regulations which are necessary for the proper carrying out of the provisions of the Act.

- (l) prescribing the books of account to be kept by the Board;
- (m) prescribing the fees, schedules, or other methods of valuation by which monopoly value and depreciation shall be determined for the purposes of sections 38 and 40;
- (n) prescribing the official seal of the Board and the form of applications and notices to be used for the purposes of this Act and the manner of effecting service;
- (o) prescribing the signs which may be erected on authorized premises;
- (p) prescribing the hours and days upon which and the manner, methods and means by which beer and wine shall be delivered to authorized premises;
- (q) prescribing the offences against the laws of Canada and Ontario, conviction of which by any person shall disqualify him from holding an authority;
- (r) governing the manner of incorporation of corporations which may hold authorities;
- (s) governing the manner of incorporation or organization of clubs which may hold authorities and the operation thereof;
- (t) prescribing the war veterans' organizations and labour organizations which shall be recognized for the purposes of the issue of authorities;
- (u) prescribing the procedure to be followed upon applications to the Board; and
- (v) generally for the better carrying out of the provisions of this Act.

Reports.

Reports.

60.—(1) The Board shall from time to time make reports to the Lieutenant-Governor in Council covering such matters in connection with the administration of this Act as he may require and shall annually make to the Lieutenant-Governor in Council, through the Minister, a report for the twelve months ending on the 31st day of March in the year in which the report is made, which shall contain,—

SECTION 60. The Board is required to make certain reports.

- (a) a statement of the operations of the Board;
- (b) a statement of the number of authorities in existence at such 31st day of March;
- (c) a detailed statement of the number of the authorities which were issued, renewed, transferred, cancelled or suspended;
- (d) the details of any compensation awarded;
- (e) a statement of the expenses of the Board;
- (f) general information and remarks as to the working of the Act; and
- (g) any other information requested by the Minister.

Report to
be presented
to Legis-
lature.

(2) Every annual report shall be laid before the Legislature as soon as may be.

Audit.

Audit of
books.

61. The books and records of the Board shall at all times be subject to examination and audit by the Provincial Auditor and such other person as the Lieutenant-Governor in Council may authorize in that behalf.

Existing
authorities.

62. Every authority renewed by The Liquor Control Board of Ontario as of the 1st day of April, 1944, and in force at the coming into force of this Act shall be subject to the provisions of this Act as if the authority had been issued hereunder and the Board shall review every such renewal and upon such review all the provisions of this Act relating to renewals shall apply.

Commence-
ment of Act.

63. This Act shall come into force on a day to be named by the Lieutenant-Governor by his proclamation.

Short title.

64. This Act may be cited as *The Liquor Authority Control Act, 1944*.

SECTION 61. The books of the Board are to be audited.

SECTION 62. This provides that authorities issued by the Liquor Control Board and in force at the coming into force of this Act shall be reviewed by the Board established under this Act.

SECTIONS 63, 64. Self explanatory.



1st Reading

March 17th, 1944

2nd Reading

3rd Reading

MR. BLACKWELL,

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

The Liquor Authority Control Act, 1944.

MR. BLACKWELL

(Reprinted as amended in Committee of the Whole House.)

BILL

The Liquor Authority Control Act, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpreta-
tion,—

1. In this Act,—

- | | |
|-----------------------------------|--|
| "authority"; | (a) "authority" shall mean an authority issued under this Act; |
| "authority district"; | (b) "authority district" shall mean an authority district constituted under this Act; |
| "authorized premises"; | (c) "authorized premises" shall mean premises for which an authority is issued; |
| "beer",
Rev. Stat.,
c. 294. | (d) "beer" shall mean beer as defined by <i>The Liquor Control Act</i> ; |
| "Board"; | (e) "Board" shall mean The Liquor Authority Control Board of Ontario; |
| "justice"; | (f) "justice" shall mean magistrate and where no magistrate is available shall mean two or more justices of the peace; |
| "liquor"; | (g) "liquor" shall mean liquor as defined by <i>The Liquor Control Act</i> ; |
| "Minister"; | (h) "Minister" shall mean the member of the Executive Council to whom, for the time being, is assigned the administration of this Act; |
| "regulations"; | (i) "regulations" shall mean regulations made under this Act; and |
| "wine". | (j) "wine" shall mean wine as defined by <i>The Liquor Control Act</i> . |

EXPLANATORY NOTES

GENERAL: The Bill provides for the establishment of a board to be known as The Liquor Authority Control Board of Ontario. The power to issue authorities for the sale of beer and wine is, by the Bill, vested in the Board and no authority may be transferred or otherwise dealt with without the consent of the Board.

Creation of Board.

The Liquor
Authority
Control
Board.

2. There shall be a Board known as "The Liquor Authority Control Board of Ontario" consisting of three members appointed by the Lieutenant-Governor in Council.

Chairman
and vice-
chairman.

3. The Lieutenant-Governor in Council may designate one of the members of the Board to be chairman thereof, and may designate another of the members to be vice-chairman.

Quorum.

4. Two members of the Board shall constitute a quorum.

Disquali-
fication,—
members
and staff.

5. No member, registrar, deputy registrar, official, inspector or employee of the Board shall by himself, his partner or agent have any interest directly or indirectly in,—

(a) a person, company, corporation, partnership, syndicate or other organization engaged in the manufacture, sale or distribution of liquor, beer or wine;

(b) any authorized premises; or

(c) any contract of any nature in respect to any authorized premises, or any premises upon which liquor, beer or wine is manufactured, produced, sold or kept for sale.

Salaries of
Board.

6. The members of the Board shall be paid such salaries as may be fixed by the Lieutenant-Governor in Council.

Staff.

7. The staff of the Board shall consist of a registrar, deputy registrars, and such officials, inspectors and employees as the Board, with the approval of the Lieutenant-Governor in Council, may appoint.

Salaries of
staff.

8. The registrar, deputy registrars, officers, inspectors and employees of the Board shall be paid such salaries or other remuneration as the Board with the approval of the Lieutenant-Governor in Council may determine.

Special
services.

9. Whenever the Board, by virtue of any power vested in it, appoints or directs any person other than a member of the staff of the Board to perform any service such person shall be paid such sum for services and expenses as the Board with the approval of the Lieutenant-Governor in Council may determine.

Payment
by
Provincial
Treasurer.

10. The salaries or other remuneration of the members of the Board, the registrar, deputy registrars, officials, inspectors and employees and all other expenses of the Board shall be

SECTIONS 2, 3, 4. Provide for the establishment of the Board.

SECTION 5. Prohibits a member of the Board or of its staff from having certain interests which might conflict with their duties.

SECTIONS 6-11. Self-explanatory.

paid monthly by the Treasurer of Ontario out of the net profits of The Liquor Control Board of Ontario.

Officials not
compelled
to testify.

11. No member of the Board, registrar, deputy registrar, official, inspector or employee of the Board shall be compellable to give testimony in a court of civil jurisdiction with regard to information obtained by him in the discharge of his official duty, or to produce any files, papers, information, reports, correspondence or other documents relating to the business of the Board.

Authority Districts.

Authority
districts.

12. The Lieutenant-Governor in Council may designate any area in Ontario as an authority district.

Proceedings Before Board.

Form of
proceedings.

13. Proceedings before the Board shall be instituted by application and the Board may make such orders, give such directions and issue such certificates as it may deem proper or as may be necessary or incidental to the exercise of its powers.

Review
or order.

14. Where in the opinion of the Board any of the relevant circumstances relating to any application heard by it have altered or new evidence in connection therewith has become available the Board may review any order made upon such application.

Attendance
of witnesses.

15. The Board may summon any person and require him to give evidence on oath and to produce such documents and things as the Board deems requisite and the Board shall have the same power to enforce the attendance of witnesses and to compel them to give evidence and produce documents and things as is vested in any court in civil cases.

Validity
of orders.

16. No order, direction, certificate or subpoena or other document of the Board shall be valid or binding unless it is issued in the name of the Board, sealed with the seal of the Board as attested by the signature of the registrar or a deputy registrar.

Finality of
orders.

17. The decisions, orders and rulings of the Board shall be final and shall not be questioned, reviewed or restrained by injunction, prohibition, mandamus, quo warranto proceedings or other process or proceedings in any court, or be removed by certiorari or otherwise in any court; provided, however, that the Board may or at the request of any person having a proprietary interest in the matter before the Board, state a

SECTION 12. For the purpose of the administration of the Act the Province may be divided into authority districts in which the Board will hold meetings for the hearing of applications.

SECTIONS 13-17. The form of proceedings before the Board and the nature of its powers are prescribed.

R.S.C.,
c. 36.

case on a point of law only as provided by Part XV of the *Criminal Code* (Canada).

Authorities.

Powers of
Board.

18. Except as herein provided the Board may issue authorities for the sale of beer and wine in respect of such premises as the regulations may prescribe or define and may renew, consent to the transfer of, suspend or cancel any such authority and shall not be required to give reasons for any such action.

Expiration
of
authority.

19. Subject to the provisions of this Act relating to the renewal, suspension and cancellation of authorities, every authority shall expire at midnight on the 31st day of March next following the issue thereof.

Restriction
on number
of authori-
ties.

20. The Board may restrict the number of authorities which it shall issue in any municipality.

Where
issue of
authority
prohibited.

21.—(1) No authority may be issued or renewed under this Act to any person who,—

- (a) in the opinion of the Board, is not a fit and proper person, or is not the true owner of the business carried on at the premises for which the authority is sought;
- (b) has been convicted of any offence against such of the laws of Canada or Ontario as the regulations may prescribe;
- (c) is disqualified under this Act or the regulations or has not complied with the requirements thereof;
- (d) as a police constable, police officer or in any other capacity is engaged in law enforcement, or to any member of the family of any such person residing with him;
- (e) if an individual, is not a British subject;
- (f) if a corporation, does not comply with the requirements of this Act and the regulations;
- (g) if a club, does not comply with the requirements of this Act and the regulations; or
- (h) applies in respect of any premises which do not conform to the regulations or any premises for which by reason of the location thereof an authority may

SECTION 18. This section prescribes the principal powers of the Board.

SECTIONS 19, 20. Self-explanatory.

SECTIONS 21, 22. Prescribe certain conditions under which authorities cannot be issued.

not be issued because of the provisions of *The Liquor Control Act*.

Failure to disclose.

(2) Any person applying for the issue or renewal of an authority who fails to make full disclosure in the form of application regarding any of the matters referred to in this section and subsection 1 of section 22 shall be guilty of an offence.

Where issue of authority prohibited.

22.—(1) No authority may be issued or renewed under this Act,—

- (a) to any person who is under agreement with any person to sell the liquor, beer or wine of any manufacturer;
- (b) to any manufacturer of liquor, beer or wine or his agent, or to any person who is so associated or connected therewith, or financially interested therein as to be likely to promote the sale thereof;
- (c) to any person who by reason of any agreement, arrangement, concession, obligation or understanding, verbal or written, or direct or indirect, with any other person is or by reason thereof may be likely to promote the sale of liquor, beer or wine of any manufacturer; or
- (d) for any premises in which any manufacturer of liquor, beer or wine has any interest, whether freehold or leasehold, or by way of mortgage or charge or other incumbrance, or by way of mortgage, lien or charge upon any chattel property therein and whether such interest is direct or indirect or contingent or by way of suretyship or guarantee.

Failure to disclose.

(2) If the existence of any of the conditions indicated in subsection 1, whether such condition existed at the time of the issue of the authority or arises thereafter, is not disclosed to the Board such non-disclosure shall be an offence and no action or other proceeding shall be brought or commenced in any court in Ontario in respect of such agreement, arrangement, concession, obligation, undertaking or interest.

Corporations.

23.—(1) No authority may be issued to a corporation which is not incorporated in accordance with the regulations.

Information re corporations.

(2) The directors of an incorporated company which applies for the issue, renewal or transfer to it of an authority, shall at the time of making such application or at any other time during the term of the authority, when ordered by the Board, produce such particulars of the officers and shareholders of the company as may be required.

SECTION 23. Special provisions relating to corporations are prescribed.

Clubs.

24.—(1) No authority may be issued in respect of a club which is not incorporated or organized and operated in accordance with the regulations or in respect of a club which is operated for pecuniary gain.

Veterans' clubs.

(2) Notwithstanding the provisions of subsection 1, the Board may issue an authority to a club which is a duly chartered branch of any of the established war veterans' organizations in Canada as prescribed by the regulations.

Labour clubs.

(3) Notwithstanding the provisions of subsection 1, the Board may issue an authority to a club which is a fully chartered branch or union of any of the established labour organizations in Canada as prescribed by the regulations.

Veterans' and labour club branches.

(4) Any member of a chartered branch of any of the war veterans' organizations, or labour organizations prescribed by the regulations shall for the purposes of this Act, be deemed to be a member of a chartered branch to which an authority is issued under this Act, if the rules of the organization and of such branch so permit.

Rights in Authority.

Authority not to confer any vested right.

25. No person shall enjoy a vested right in the continuance of an authority and upon the issue, renewal, transfer, cancellation or suspension thereof, the value of such authority shall not be capitalized but shall become the property of the Crown in right of Ontario.

Annual Meeting.

Annual meeting.

26. The Board shall hold an annual meeting at a convenient place determined by the Board in each authority district between the 1st day of November and the 31st day of January in the year next following.

Notice of annual meeting.

27. Notice of the annual meeting in the form prescribed by the regulations shall be published in a newspaper having a general circulation in the authority district at least ten days before such meeting.

Business of Board.

28. The Board shall at the annual meeting hear and determine applications for the renewal of authorities.

Special Meetings.

Special meetings.

29. The Board may hold such special meetings as it deems necessary for the hearing and determination of,—

(a) applications for new authorities;

SECTION 24. This section deals with certain types of clubs. Existing practice under *The Liquor Control Act* is followed.

SECTION 25. This section corresponds to section 77 of *The Liquor Control Act* and is self-explanatory.

SECTIONS 26-29. These sections provide for the holding of meetings of the Board and prescribe the business which shall be conducted at such meetings.

- (b) deferred applications for renewals of authorities;
- (c) proceedings involving the cancellation or suspension of an authority;
- (d) applications for transfers of authorities;
- (e) proceedings in compensation matters;
- (f) applications for revocation of the suspension of an authority;
- (g) applications for review of orders of the Board; and
- (h) other matters within the jurisdiction of the Board.

Proceedings on Applications.

Filing of
application.

30. Every application shall be in the form prescribed by the regulations and shall be filed with the deputy registrar of the authority district in which are located the premises concerning which the application is made not less than ten days before the meeting of the Board at which the application is to be heard.

Publication.

31. Notice of the application for an authority in the form prescribed by the regulations shall be published twice in a newspaper having a general circulation in the authority district, such publications to be at least one week apart and the second of such publications to be not less than two weeks before the meeting of the Board at which the application is to be heard.

Personal
application.

32. An authority shall not be issued by the Board unless the applicant therefor appears in person but an incorporated company may be represented by a director, official or manager duly certified as such to the satisfaction of the Board.

Renewals.

33. Unless otherwise directed by the Board it shall not be necessary for an applicant for the renewal of an authority to publish notice of his application or to appear in person before the Board.

Objections.

34.—(1) Any person resident in an authority district where the premises concerning which the application is made, may object to the application and the grounds of objection in writing shall be filed with the deputy registrar at least three days before the meeting at which the application is to be heard.

Applicant
to be
notified.

(2) Upon the receipt of any objection to an application, the deputy registrar shall notify the applicant thereof.

SECTIONS 30-34. The procedure to be followed in making application for the issue or renewal of an authority is prescribed.

Cancellation and Suspension of Authorities.

Application
for can-
cellation.

35.—(1) Upon an application being made to the Board for the cancellation or suspension of an authority, the Board may in its discretion by notice in writing require the holder of the authority to show cause to the Board why the authority should not be cancelled or suspended, and in the event of the failure of the holder of the authority to show cause the Board shall take such action as the circumstances may require.

Notice to
authority
holder.

(2) The notice required by subsection 1 shall be sent by prepaid post by the Board to the authority holder at his last known address at least seven days before the date of the meeting.

Powers of
Board at
hearing.

36. Upon the hearing of an application for suspension or cancellation of an authority the Board may dismiss the application or make such order as it deems proper and in any such order may,—

- (a) suspend the authority for an indefinite period;
- (b) cancel the authority;
- (c) disqualify any person from holding an authority;
- (d) disqualify any premises from being eligible as authorized premises; and
- (e) impose such conditions upon the holder of the authority as the circumstances may require.

When
authority
to be
cancelled.

37. The Board shall cancel an authority for the following causes,—

- (a) persistent non-compliance of the authority holder with the requirements of this Act or *The Liquor Control Act* or the regulations hereunder or thereunder;
- (b) persistent failure by the authority holder to carry out the orders of the Board, The Liquor Control Board of Ontario or the Fire Marshal of Ontario;
- (c) persistent failure to keep the authorized premises in a clean and sanitary condition;
- (d) persistent non-compliance by the authority holder of any municipal by-law affecting the authorized premises; or

Rev. Stat.,
c. 294.

SECTIONS 35-37. These sections deal with procedure upon applications for cancellation and suspension, and section 37 prescribes the circumstances under which the Board is required to cancel the authority.

- (e) the existence of any of the circumstances which under the provisions of subsection 1 of section 21 or subsection 1 of section 22 prevent the issue of an authority.

Transfer of Authorities.

Transfer of
authorities.

38.—(1) No authority may be sold, leased, assigned, charged, transferred or otherwise dealt in or disposed of except with the consent in writing of the Board and the Board shall not under any circumstances be bound to give such consent.

Monopoly
value to be
paid to
Treasurer
of Ontario.

(2) Upon any transfer of an authority the vendor shall pay to the Treasurer of Ontario the monopoly value of the authority at the time of sale to be determined by a fee, schedule, or other method of valuation as may be prescribed by the regulations, provided that in no event shall the vendor be required to pay a sum upon a transfer which shall operate to reduce the vendor's interest after such payment below the value of the actual capital investment of the vendor at the time of the transfer of the authority.

Transfer of
shares in in-
corporated
company.

(3) The Board may in its discretion require the directors of any incorporated company which is the holder of an authority to present to the Board for approval any transfer of shares of its capital stock and where in the opinion of the Board a substantial interest is transferred the provisions of subsection 2 shall *mutatis mutandis* apply.

Power of
Board to
purchase
premises.

39.—(1) Subject to the approval of the Lieutenant-Governor in Council the Board shall have the right to purchase any authorized premises or any shareholding interest therein at the price and on the terms stipulated in any agreement for sale, offer for sale or transfer coming before the Board for its consent under the provisions of section 38 and the Board may exercise such right by serving notice in writing thereof upon the vendor.

Payment of
purchase
price.

(2) Whenever the Board has exercised the right of purchase mentioned in subsection 1, the purchase price or any portion thereof necessary to complete the transaction shall be paid by the Treasurer of Ontario out of the net profits of The Liquor Control Board of Ontario upon the requisition of the Board.

Board
may sell
authorized
premises.

(3) Subject to the approval of the Lieutenant-Governor in Council, the Board may sell any authorized premises or any shareholding interest acquired under this section.

SECTION 38. No authority may be transferred or similarly dealt with without the consent of the Board. Upon a transfer the monopoly value of the authority, calculated in the manner prescribed, is required to be paid to the Treasurer of Ontario and a similar requirement applies where a substantial block of stock of a company controlling an authorized premises, is transferred.

SECTION 39. The Board is empowered to purchase authorized premises where they are offered for sale and is given the necessary authority to dispose thereof. In both cases the approval of the Lieutenant-Governor in Council is required.

Compensation for Disqualification.

Compensation may be awarded.

40.—(1) Where the Board disqualifies any premises from holding an authority for a cause which is not the fault of or is beyond the control of the authority holder, it may, subject to the approval of the Lieutenant-Governor in Council, award by way of compensation to the owner of the premises or to the holder of the authority as the Board sees fit a sum not exceeding the amount by which the value of the capital investment is depreciated by reason of the disqualification of such premises which sum shall be determined by a fee, schedule, or other method of valuation prescribed by the regulations.

Payment by Treasurer of Ontario.

(2) The Treasurer of Ontario shall pay out of the net profits of The Liquor Control Board of Ontario the compensation mentioned in subsection 1 upon the requisition of the Board.

Revenue.

Payment of revenue.

41. All monies received by the Board from authority fees or otherwise arising in the administration of this Act shall be paid to The Liquor Control Board of Ontario.

Sale of Liquor in Authorized Premises.

Beer and wine bought under control of Board.

42. No beer or wine may be kept for sale, sold or served in any authorized premises for which an authority is issued except such beer or wine as the authority may prescribe, bought under control of the Board and in accordance with the regulations.

Authority to specify what may be sold.

(2) No beer or wine may be kept for sale, sold or served in any authorized premises other than the beer or wine specified in the authority, and such beer or wine shall be bought by the holder of the authority.

Sale of beer and wine in specified places only.

43. The Board shall in every authority issued specify the rooms or places in the authorized premises to which the sale, serving and consumption of beer or wine shall be restricted and confined.

Wine at meals only.

44. The Board shall not issue any authority for the sale of wine except in dining rooms in authorized premises.

Minors.

45.—(1) No beer or wine shall knowingly be sold or served in or at any authorized premises to any person who is under the age of twenty-one years.

Idem.

(2) No beer or wine shall be sold to a person who is apparently under the age of twenty-one years and in any prosecution for a violation of this subsection the justice shall

SECTION 40. Where the Board disqualifies any premises from holding an authority for cause which is not the fault of or is beyond the control of the authority holder, compensation will be paid to him.

SECTION 41. The revenue of the Board is paid to The Liquor Control Board of Ontario and is in turn paid to the Treasurer of Ontario.

SECTIONS 42-57. Prescribe offences, penalties and relevant procedure under the Act and follow, with certain revisions, the provisions now contained in *The Liquor Control Act*.

determine from the appearance of any such person and other relevant circumstances whether he is apparently under the age of twenty-one years.

Intoxicated persons.

(3) No beer or wine shall knowingly be sold or served in or at an authorized premises to any person who is in an intoxicated condition.

Conduct of premises.

(4) No person holding an authority under this Act shall permit or suffer in the premises for which the authority is issued,—

- (a) any constable or police officer while on duty to consume any liquor, beer or wine;
- (b) any gambling, drunkenness or any riotous, quarrelsome, violent or disorderly conduct to take place;
- (c) any person of notoriously bad character to remain; or
- (d) any slot machine or any device used for gambling to be placed, kept or maintained.

Minors on premises.

(5) No person holding an authority under this Act shall permit or suffer any person under or apparently under the age of twenty-one years to enter or be upon that part of the authorized premises where beer or wine is sold or kept for sale, except in a dining room.

Objectionable persons.

(6) Any person holding an authority under this Act, if he has reasonable grounds to suspect from the conduct of any person who has come upon the premises in respect of which such authority is issued, although not of notoriously bad character, that such person is present for some improper purpose or is committing an offence against this Act or the regulations, may request him or her to leave such authorized premises immediately, and unless the request is forthwith complied with such person may be forcibly removed.

Minors.

46.—(1) No person under the age of twenty-one years shall have, purchase or consume liquor, beer or wine on any authorized premises.

Idem.

(2) Any person under the age of twenty-one years who enters or is found upon that part of an authorized premises where beer or wine is sold or kept for sale, except a dining room, shall be guilty of an offence against this Act.

Sale and consumption.

47.—(1) No beer or wine may be sold or served to any person or consumed by him in any authorized premises, except in accordance with the regulations.

Erection of bars.

(2) Except as authorized by the Board no bar or counter

over or at which beer or wine could be sold or served shall be erected, placed, kept or maintained in any authorized premises.

Removal of
liquor
packages.

48. Proof of the removal of any beer or wine from any authorized premises in any packages shall be *prima facie* evidence against the person holding the authority for such premises of the sale of liquor contrary to the provisions of this Act or *The Liquor Control Act*.

Rev. Stat.,
c. 294.

Sales to
interdicted
persons
prohibited.

49. No person to whom the sale of intoxicating liquor is prohibited by statute of Canada or Ontario and no interdicted person shall enter on or be permitted or suffered to remain in that part of any authorized premises where beer or wine is sold excepting dining rooms.

Member of
the forces.

50. For the purposes of this Act, a member of the naval, military or air forces of Canada, who having been placed on active service or called out for training, service or duty, is serving in any of such forces shall be deemed to be twenty-one years of age or over.

Arrest with-
out warrant.

51. Any police officer or constable may arrest without warrant any person whom he finds committing an offence against this Act.

Penalties and Procedure.

Offences.

52. Every person who violates any of the provisions of this Act or the regulations made thereunder shall be guilty of an offence against this Act whether otherwise so declared or not.

Onus.

53. In the prosecution of any offence under this Act in which possession of liquor is an element of the offence, upon *prima facie* proof of such possession, unless the person charged with the offence proves that he did not commit the offence, he may be convicted thereof.

Penalties.

54.—(1) Every person who violates the provisions of subsection 1 of section 45 shall for the first offence be imprisoned for not less than one month nor more than three months, and for a second or subsequent offence be imprisoned for not less than four months nor more than twelve months.

Idem.

(2) Every person who violates any of the other provisions of this Act or the regulations shall be liable for a first offence to a fine of not less than \$10 nor more than \$500 and in default of immediate payment shall be imprisoned for a period not exceeding two months, or to imprisonment for a period not exceeding thirty days, or to both fine and imprisonment, and for a second or subsequent offence shall be imprisoned for a period not exceeding three months.

Corporations.

(3) Where an offender convicted of an offence referred to in this section is a corporation it shall be liable to a penalty of not less than \$1,000 nor more than \$3,000.

Analysis by Dominion or provincial analysts.

55. In any prosecution under this Act, or the regulations, production by a police officer, constable or peace officer, of a certificate or report signed or purporting to be signed by a Dominion or provincial analyst as to the analysis or ingredients of any liquor or other fluid or any preparation, compound or substance, such certificate or report shall be conclusive evidence of the facts stated in such certificate or report and of the authority of the person giving or making it without any proof of appointment or signature.

Inference as to intoxicating liquor.

56. The justice trying a case, shall in the absence of proof to the contrary, be at liberty to infer that the liquor in question is intoxicating from the fact that a witness describes it as intoxicating, or by a name which is commonly applied to an intoxicating liquor.

Recovery of penalties.

57.—(1) The penalties imposed by or under the authority of this Act shall be recoverable under *The Summary Convictions Act* and the provisions of the said Act shall apply to prosecutions thereunder, provided that the provisions of *The Liquor Control Act* relating to appeals shall apply to appeals under this Act.

Rev. Stat., cc. 136; 294.

Fines to be paid to Liquor Control Board.

(2) All penalties and money imposed under the provisions of this Act or the regulations, after deducting all necessary costs, shall be paid by the justice to The Liquor Control Board of Ontario as provided by *The Liquor Control Act* and the regulations thereunder.

Payment to treasurer of municipality.

(3) In every case where an officer appointed under section 139 of *The Liquor Control Act* is prosecutor or complainant, the entire penalty in money or such part thereof as is provided by law shall be paid to the treasurer of the municipality appointing such officer.

Employees of Authority Holders.

Employees in authorized premises.

58.—(1) The Board may require every person who, being an employee of a person to whom an authority is issued under this Act, is in any way engaged in selling or serving beer or wine to obtain an employee's authority from the Board in accordance with the regulations.

Sale by unauthorized employees.

(2) Where, as provided by subsection 1, employees are required by the Board to obtain an employee's authority, no person who is not so authorized may be employed in the sale or serving of beer or wine in any authorized premises.

SECTION 58. Necessary jurisdiction over employees of authority holders is given to the Board.

Regulations.

Regulations.

59. The Board, with the approval of the Lieutenant-Governor in Council, may make such regulations with respect to any and all matters and things provided for in this Act as the Board may deem necessary and, without limiting the generality of the foregoing, such powers shall extend to and include the following,—

- (a) classifying, governing, regulating, prescribing and defining premises in respect of which authorities may be issued;
- (b) governing, regulating, defining and designating the portions of premises and the rooms and places therein to which the keeping for sale, selling and consumption of beer and wine shall be restricted and confined;
- (c) governing the issue, renewal, transfer, refusal, suspension and cancellation of authorities;
- (d) governing the location, construction, arrangement, accommodation, equipment, maintenance, management and operation of authorized premises;
- (e) governing the purchase, delivery, keeping for sale, sale, serving and consuming of beer and wine;
- (f) prescribing the persons to whom the sale of beer or wine is to be restricted or prohibited;
- (g) prescribing the periods of the year and the days and hours when beer and wine may be sold, served and consumed;
- (h) prescribing the requirements applicable to the employees of holders of authorities and regulating their duties;
- (i) prescribing the books and records to be kept, returns to be made and information to be furnished with respect to authorized premises and the examination and audit which shall be made of such books and records;
- (j) prescribing the fees payable in respect of the issue and transfer of authorities;
- (k) prescribing the duties of the registrar, deputy registrars, officials, inspectors and employees of the Board;

SECTION 59. This section authorizes the making of regulations which are necessary for the proper carrying out of the provisions of the Act.

- (l) prescribing the books of account to be kept by the Board;
- (m) prescribing the fees, schedules, or other methods of valuation by which monopoly value and depreciation shall be determined for the purposes of sections 38 and 40;
- (n) prescribing the official seal of the Board and the form of applications and notices to be used for the purposes of this Act and the manner of effecting service;
- (o) prescribing the signs which may be erected on authorized premises;
- (p) prescribing the hours and days upon which and the manner, methods and means by which beer and wine shall be delivered to authorized premises;
- (q) prescribing the offences against the laws of Canada and Ontario, conviction of which by any person shall disqualify him from holding an authority;
- (r) governing the manner of incorporation of corporations which may hold authorities;
- (s) governing the manner of incorporation or organization of clubs which may hold authorities and the operation thereof;
- (t) prescribing the war veterans' organizations and labour organizations which shall be recognized for the purposes of the issue of authorities;
- (u) prescribing the procedure to be followed upon applications to the Board; and
- (v) generally for the better carrying out of the provisions of this Act.

Reports.

Reports.

60.—(1) The Board shall from time to time make reports to the Lieutenant-Governor in Council covering such matters in connection with the administration of this Act as he may require and shall annually make to the Lieutenant-Governor in Council, through the Minister, a report for the twelve months ending on the 31st day of March in the year in which the report is made, which shall contain,—

SECTION 60. The Board is required to make certain reports.

- (a) a statement of the operations of the Board;
- (b) a statement of the number of authorities in existence and the names of the owners thereof at such 31st day of March;
- (c) a detailed statement of the number of the authorities which were issued, renewed, transferred, cancelled or suspended and the names of the owners thereof;
- (d) the details of any compensation awarded;
- (e) a statement of the expenses of the Board;
- (f) general information and remarks as to the working of the Act; and
- (g) any other information requested by the Minister.

Report to
be presented
to Legis-
lature.

(2) Every annual report shall be laid before the Legislature as soon as may be.

Audit.

Audit of
books.

61. The books and records of the Board shall at all times be subject to examination and audit by the Provincial Auditor and such other person as the Lieutenant-Governor in Council may authorize in that behalf.

Existing
authorities.

62. Every authority renewed by The Liquor Control Board of Ontario as of the 1st day of April, 1944, and in force at the coming into force of this Act shall be subject to the provisions of this Act as if the authority had been issued hereunder and the Board shall review every such renewal and upon such review all the provisions of this Act relating to renewals shall apply.

Commence-
ment of Act.

63. This Act, except any portion thereof as may be specifically excepted, shall come into force upon a day to be named by the Lieutenant-Governor by his Proclamation and any such excepted portion shall come into force on a day to be named by the Lieutenant-Governor by his further Proclamation.

Short title.

64. This Act may be cited as *The Liquor Authority Control Act, 1944.*

SECTION 61. The books of the Board are to be audited.

SECTION 62. This provides that authorities issued by the Liquor Control Board and in force at the coming into force of this Act shall be reviewed by the Board established under this Act.

SECTIONS 63, 64. Self explanatory.

1st Reading

March 17th, 1944

2nd Reading

March 24th, 1944

3rd Reading

MR. BLACKWELL

*(Reprinted as amended in Committee of the
Whole House.)*

No. 61

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

The Liquor Authority Control Act, 1944.

MR. BLACKWELL

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

The Liquor Authority Control Act, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpreta-
tion,—

1. In this Act,—

- | | |
|-----------------------------------|--|
| "authority"; | (a) "authority" shall mean an authority issued under this Act; |
| "authority district"; | (b) "authority district" shall mean an authority district constituted under this Act; |
| "authorized premises"; | (c) "authorized premises" shall mean premises for which an authority is issued; |
| "beer";
Rev. Stat.,
c. 294. | (d) "beer" shall mean beer as defined by <i>The Liquor Control Act</i> ; |
| "Board"; | (e) "Board" shall mean The Liquor Authority Control Board of Ontario; |
| "justice"; | (f) "justice" shall mean magistrate and where no magistrate is available shall mean two or more justices of the peace; |
| "liquor"; | (g) "liquor" shall mean liquor as defined by <i>The Liquor Control Act</i> ; |
| "Minister"; | (h) "Minister" shall mean the member of the Executive Council to whom, for the time being, is assigned the administration of this Act; |
| "regulations"; | (i) "regulations" shall mean regulations made under this Act; and |
| "wine". | (j) "wine" shall mean wine as defined by <i>The Liquor Control Act</i> . |

Creation of Board.

2. There shall be a Board known as "The Liquor Authority ^{The Liquor Authority Control Board.} Control Board of Ontario" consisting of three members appointed by the Lieutenant-Governor in Council.

3. The Lieutenant-Governor in Council may designate one ^{Chairman and vice-chairman.} of the members of the Board to be chairman thereof, and may designate another of the members to be vice-chairman.

4. Two members of the Board shall constitute a quorum. ^{Quorum.}

5. No member, registrar, deputy registrar, official, in- ^{Disqualification,—} spector or employee of the Board shall by himself, his partner ^{members and staff.} or agent have any interest directly or indirectly in,—

(a) a person, company, corporation, partnership, syndicate or other organization engaged in the manufacture, sale or distribution of liquor, beer or wine;

(b) any authorized premises; or

(c) any contract of any nature in respect to any authorized premises, or any premises upon which liquor, beer or wine is manufactured, produced, sold or kept for sale.

6. The members of the Board shall be paid such salaries ^{Salaries of Board.} as may be fixed by the Lieutenant-Governor in Council.

7. The staff of the Board shall consist of a registrar, deputy ^{Staff.} registrars, and such officials, inspectors and employees as the Board, with the approval of the Lieutenant-Governor in Council, may appoint.

8. The registrar, deputy registrars, officers, inspectors and employees of the Board shall be paid such salaries or other remuneration as the Board with the approval of the Lieutenant-Governor in Council may determine. ^{Salaries of staff.}

9. Whenever the Board, by virtue of any power vested ^{Special services.} in it, appoints or directs any person other than a member of the staff of the Board to perform any service such person shall be paid such sum for services and expenses as the Board with the approval of the Lieutenant-Governor in Council may determine.

10. The salaries or other remuneration of the members of ^{Payment by Provincial Treasurer.} the Board, the registrar, deputy registrars, officials, inspectors and employees and all other expenses of the Board shall be

paid monthly by the Treasurer of Ontario out of the net profits of The Liquor Control Board of Ontario.

Officials not
compelled
to testify.

11. No member of the Board, registrar, deputy registrar, official, inspector or employee of the Board shall be compellable to give testimony in a court of civil jurisdiction with regard to information obtained by him in the discharge of his official duty, or to produce any files, papers, information, reports, correspondence or other documents relating to the business of the Board.

Authority Districts.

Authority
districts.

12. The Lieutenant-Governor in Council may designate any area in Ontario as an authority district.

Proceedings Before Board.

Form of
proceedings.

13. Proceedings before the Board shall be instituted by application and the Board may make such orders, give such directions and issue such certificates as it may deem proper or as may be necessary or incidental to the exercise of its powers.

Review
or order.

14. Where in the opinion of the Board any of the relevant circumstances relating to any application heard by it have altered or new evidence in connection therewith has become available the Board may review any order made upon such application.

Attendance
of witnesses.

15. The Board may summon any person and require him to give evidence on oath and to produce such documents and things as the Board deems requisite and the Board shall have the same power to enforce the attendance of witnesses and to compel them to give evidence and produce documents and things as is vested in any court in civil cases.

Validity
of orders.

16. No order, direction, certificate or subpoena or other document of the Board shall be valid or binding unless it is issued in the name of the Board, sealed with the seal of the Board as attested by the signature of the registrar or a deputy registrar.

Finality of
orders.

17. The decisions, orders and rulings of the Board shall be final and shall not be questioned, reviewed or restrained by injunction, prohibition, mandamus, quo warranto proceedings or other process or proceedings in any court, or be removed by certiorari or otherwise in any court; provided, however, that the Board may or at the request of any person having a proprietary interest in the matter before the Board, state a

case on a point of law only as provided by Part XV of the *R.S.C. Criminal Code* (Canada). c. 36

Authorities.

18. Except as herein provided the Board may issue authorities for the sale of beer and wine in respect of such premises as the regulations may prescribe or define and may renew, consent to the transfer of, suspend or cancel any such authority and shall not be required to give reasons for any such action Powers of Board.

19. Subject to the provisions of this Act relating to the renewal, suspension and cancellation of authorities, every authority shall expire at midnight on the 31st day of March next following the issue thereof. Expiration of authority.

20. The Board may restrict the number of authorities which it shall issue in any municipality. Restriction on number of authorities.

21.—(1) No authority may be issued or renewed under this Act to any person who,— Where issue of authority prohibited.

- (a) in the opinion of the Board, is not a fit and proper person, or is not the true owner of the business carried on at the premises for which the authority is sought;
- (b) has been convicted of any offence against such of the laws of Canada or Ontario as the regulations may prescribe;
- (c) is disqualified under this Act or the regulations or has not complied with the requirements thereof;
- (d) as a police constable, police officer or in any other capacity is engaged in law enforcement, or to any member of the family of any such person residing with him;
- (e) if an individual, is not a British subject;
- (f) if a corporation, does not comply with the requirements of this Act and the regulations;
- (g) if a club, does not comply with the requirements of this Act and the regulations; or
- (h) applies in respect of any premises which do not conform to the regulations or any premises for which by reason of the location thereof an authority may

not be issued because of the provisions of *The Liquor Control Act*.

Failure to
disclose.

(2) Any person applying for the issue or renewal of an authority who fails to make full disclosure in the form of application regarding any of the matters referred to in this section and subsection 1 of section 22 shall be guilty of an offence.

Where
issue of
authority
prohibited.

22.—(1) No authority may be issued or renewed under this Act,—

- (a) to any person who is under agreement with any person to sell the liquor, beer or wine of any manufacturer;
- (b) to any manufacturer of liquor, beer or wine or his agent, or to any person who is so associated or connected therewith, or financially interested therein as to be likely to promote the sale thereof;
- (c) to any person who by reason of any agreement, arrangement, concession, obligation or understanding, verbal or written, or direct or indirect, with any other person is or by reason thereof may be likely to promote the sale of liquor, beer or wine of any manufacturer; or
- (d) for any premises in which any manufacturer of liquor, beer or wine has any interest, whether freehold or leasehold, or by way of mortgage or charge or other incumbrance, or by way of mortgage, lien or charge upon any chattel property therein and whether such interest is direct or indirect or contingent or by way of suretyship or guarantee.

Failure to
disclose.

(2) If the existence of any of the conditions indicated in subsection 1, whether such condition existed at the time of the issue of the authority or arises thereafter, is not disclosed to the Board such non-disclosure shall be an offence and no action or other proceeding shall be brought or commenced in any court in Ontario in respect of such agreement, arrangement, concession, obligation, undertaking or interest.

Corpora-
tions.

23.—(1) No authority may be issued to a corporation which is not incorporated in accordance with the regulations.

Information
re corpora-
tions.

(2) The directors of an incorporated company which applies for the issue, renewal or transfer to it of an authority, shall at the time of making such application or at any other time during the term of the authority, when ordered by the Board, produce such particulars of the officers and shareholders of the company as may be required.

24.—(1) No authority may be issued in respect of a club ^{Clubs.} which is not incorporated or organized and operated in accordance with the regulations or in respect of a club which is operated for pecuniary gain.

(2) Notwithstanding the provisions of subsection 1, the Board may issue an authority to a club which is a duly chartered ^{Veterans' clubs.} branch of any of the established war veterans' organizations in Canada as prescribed by the regulations.

(3) Notwithstanding the provisions of subsection 1, the Board may issue an authority to a club which is a fully ^{Labour clubs.} chartered branch or union of any of the established labour organizations in Canada as prescribed by the regulations.

(4) Any member of a chartered branch of any of the war ^{Veterans' and labour club branches.} veterans' organizations, or labour organizations prescribed by the regulations shall for the purposes of this Act, be deemed to be a member of a chartered branch to which an authority is issued under this Act, if the rules of the organization and of such branch so permit.

Rights in Authority.

25. No person shall enjoy a vested right in the continuance of an authority and upon the issue, renewal, transfer, cancellation or suspension thereof, the value of such authority shall not be capitalized but shall become the property of the Crown in right of Ontario. ^{Authority not to confer any vested right.}

Annual Meeting.

26. The Board shall hold an annual meeting at a convenient ^{Annual meeting.} place determined by the Board in each authority district between the 1st day of November and the 31st day of January in the year next following.

27. Notice of the annual meeting in the form prescribed ^{Notice of annual meeting.} by the regulations shall be published in a newspaper having a general circulation in the authority district at least ten days before such meeting.

28. The Board shall at the annual meeting hear and determine ^{Business of Board.} applications for the renewal of authorities.

Special Meetings.

29. The Board may hold such special meetings as it deems ^{Special meetings.} necessary for the hearing and determination of,—

(a) applications for new authorities;



- (b) deferred applications for renewals of authorities;
- (c) proceedings involving the cancellation or suspension of an authority;
- (d) applications for transfers of authorities;
- (e) proceedings in compensation matters;
- (f) applications for revocation of the suspension of an authority;
- (g) applications for review of orders of the Board; and
- (h) other matters within the jurisdiction of the Board.

Proceedings on Applications.

Filing of application.

30. Every application shall be in the form prescribed by the regulations and shall be filed with the deputy registrar of the authority district in which are located the premises concerning which the application is made not less than ten days before the meeting of the Board at which the application is to be heard.

Publication.

31. Notice of the application for an authority in the form prescribed by the regulations shall be published twice in a newspaper having a general circulation in the authority district, such publications to be at least one week apart and the second of such publications to be not less than two weeks before the meeting of the Board at which the application is to be heard.

Personal application.

32. An authority shall not be issued by the Board unless the applicant therefor appears in person but an incorporated company may be represented by a director, official or manager duly certified as such to the satisfaction of the Board.

Renewals.

33. Unless otherwise directed by the Board it shall not be necessary for an applicant for the renewal of an authority to publish notice of his application or to appear in person before the Board.

Objections.

34.—(1) Any person resident in an authority district where the premises concerning which the application is made, may object to the application and the grounds of objection in writing shall be filed with the deputy registrar at least three days before the meeting at which the application is to be heard.

Applicant to be notified.

(2) Upon the receipt of any objection to an application, the deputy registrar shall notify the applicant thereof.

Cancellation and Suspension of Authorities.

35.—(1) Upon an application being made to the Board ^{Application for cancellation.} for the cancellation or suspension of an authority, the Board may in its discretion by notice in writing require the holder of the authority to show cause to the Board why the authority should not be cancelled or suspended, and in the event of the failure of the holder of the authority to show cause the Board shall take such action as the circumstances may require.

(2) The notice required by subsection 1 shall be sent by ^{Notice to authority holder.} prepaid post by the Board to the authority holder at his last known address at least seven days before the date of the meeting.

36. Upon the hearing of an application for suspension or cancellation of an authority the Board may dismiss the appli- ^{Powers of Board at hearing.} cation or make such order as it deems proper and in any such order may,—

- (a) suspend the authority for an indefinite period;
- (b) cancel the authority;
- (c) disqualify any person from holding an authority;
- (d) disqualify any premises from being eligible as authorized premises; and
- (e) impose such conditions upon the holder of the authority as the circumstances may require.

37. The Board shall cancel an authority for the following ^{When authority to be cancelled.} causes,—

- (a) persistent non-compliance of the authority holder with the requirements of this Act or *The Liquor Control Act* or the regulations hereunder or there- ^{Rev. Stat., c. 294.} under;
- (b) persistent failure by the authority holder to carry out the orders of the Board, The Liquor Control Board of Ontario or the Fire Marshal of Ontario;
- (c) persistent failure to keep the authorized premises in a clean and sanitary condition;
- (d) persistent non-compliance by the authority holder of any municipal by-law affecting the authorized premises; or

- (e) the existence of any of the circumstances which under the provisions of subsection 1 of section 21 or subsection 1 of section 22 prevent the issue of an authority.

Transfer of Authorities.

Transfer of
authorities.

38.—(1) No authority may be sold, leased, assigned, charged, transferred or otherwise dealt in or disposed of except with the consent in writing of the Board and the Board shall not under any circumstances be bound to give such consent.

Monopoly
value to be
paid to
Treasurer
of Ontario.

(2) Upon any transfer of an authority the vendor shall pay to the Treasurer of Ontario the monopoly value of the authority at the time of sale to be determined by a fee, schedule, or other method of valuation as may be prescribed by the regulations, provided that in no event shall the vendor be required to pay a sum upon a transfer which shall operate to reduce the vendor's interest after such payment below the value of the actual capital investment of the vendor at the time of the transfer of the authority.

Transfer of
shares in in-
corporated
company.

(3) The Board may in its discretion require the directors of any incorporated company which is the holder of an authority to present to the Board for approval any transfer of shares of its capital stock and where in the opinion of the Board a substantial interest is transferred the provisions of subsection 2 shall *mutatis mutandis* apply.

Power of
Board to
purchase
premises.

39.—(1) Subject to the approval of the Lieutenant-Governor in Council the Board shall have the right to purchase any authorized premises or any shareholding interest therein at the price and on the terms stipulated in any agreement for sale, offer for sale or transfer coming before the Board for its consent under the provisions of section 38 and the Board may exercise such right by serving notice in writing thereof upon the vendor.

Payment of
purchase
price.

(2) Whenever the Board has exercised the right of purchase mentioned in subsection 1, the purchase price or any portion thereof necessary to complete the transaction shall be paid by the Treasurer of Ontario out of the net profits of The Liquor Control Board of Ontario upon the requisition of the Board.

Board
may sell
authorized
premises.

(3) Subject to the approval of the Lieutenant-Governor in Council, the Board may sell any authorized premises or an shareholding interest acquired under this section.

Compensation for Disqualification.

40.—(1) Where the Board disqualifies any premises from holding an authority for a cause which is not the fault of or is beyond the control of the authority holder, it may, subject to the approval of the Lieutenant-Governor in Council, award by way of compensation to the owner of the premises or to the holder of the authority as the Board sees fit a sum not exceeding the amount by which the value of the capital investment is depreciated by reason of the disqualification of such premises which sum shall be determined by a fee, schedule, or other method of valuation prescribed by the regulations. Compensation may be awarded.

(2) The Treasurer of Ontario shall pay out of the net profits of The Liquor Control Board of Ontario the compensation mentioned in subsection 1 upon the requisition of the Board. Payment by Treasurer of Ontario.

Revenue.

41. All monies received by the Board from authority fees or otherwise arising in the administration of this Act shall be paid to The Liquor Control Board of Ontario. Payment of revenue.

Sale of Liquor in Authorized Premises.

42. No beer or wine may be kept for sale, sold or served in any authorized premises for which an authority is issued except such beer or wine as the authority may prescribe, bought under control of the Board and in accordance with the regulations. Beer and wine bought under control of Board.

(2) No beer or wine may be kept for sale, sold or served in any authorized premises other than the beer or wine specified in the authority, and such beer or wine shall be bought by the holder of the authority. Authority to specify what may be sold.

43. The Board shall in every authority issued specify the rooms or places in the authorized premises to which the sale, serving and consumption of beer or wine shall be restricted and confined. Sale of beer and wine in specified places only.

44. The Board shall not issue any authority for the sale of wine except in dining rooms in authorized premises. Wine at meals only.

45.—(1) No beer or wine shall knowingly be sold or served in or at any authorized premises to any person who is under the age of twenty-one years. Minors.

(2) No beer or wine shall be sold to a person who is apparently under the age of twenty-one years and in any prosecution for a violation of this subsection the justice shall

determine from the appearance of any such person and other relevant circumstances whether he is apparently under the age of twenty-one years.

Intoxicated persons.

(3) No beer or wine shall knowingly be sold or served in or at an authorized premises to any person who is in an intoxicated condition.

Conduct of premises.

(4) No person holding an authority under this Act shall permit or suffer in the premises for which the authority is issued,—

- (a) any constable or police officer while on duty to consume any liquor, beer or wine;
- (b) any gambling, drunkenness or any riotous, quarrelsome, violent or disorderly conduct to take place;
- (c) any person of notoriously bad character to remain; or
- (d) any slot machine or any device used for gambling to be placed, kept or maintained.

Minors on premises.

(5) No person holding an authority under this Act shall permit or suffer any person under or apparently under the age of twenty-one years to enter or be upon that part of the authorized premises where beer or wine is sold or kept for sale, except in a dining room.

Objectionable persons.

(6) Any person holding an authority under this Act, if he has reasonable grounds to suspect from the conduct of any person who has come upon the premises in respect of which such authority is issued, although not of notoriously bad character, that such person is present for some improper purpose or is committing an offence against this Act or the regulations, may request him or her to leave such authorized premises immediately, and unless the request is forthwith complied with such person may be forcibly removed.

Minors.

46.—(1) No person under the age of twenty-one years shall have, purchase or consume liquor, beer or wine on any authorized premises.

Idem.

(2) Any person under the age of twenty-one years who enters or is found upon that part of an authorized premises where beer or wine is sold or kept for sale, except a dining room, shall be guilty of an offence against this Act.

Sale and consumption.

47.—(1) No beer or wine may be sold or served to any person or consumed by him in any authorized premises, except in accordance with the regulations.

Erection of bars.

(2) Except as authorized by the Board no bar or counter

over or at which beer or wine could be sold or served shall be erected, placed, kept or maintained in any authorized premises.

48. Proof of the removal of any beer or wine from any authorized premises in any packages shall be *prima facie* evidence against the person holding the authority for such premises of the sale of liquor contrary to the provisions of this Act or *The Liquor Control Act*. Removal of liquor packages.
Rev. Stat., c. 294.

49. No person to whom the sale of intoxicating liquor is prohibited by statute of Canada or Ontario and no interdicted person shall enter on or be permitted or suffered to remain in that part of any authorized premises where beer or wine is sold excepting dining rooms. Sales to interdicted persons prohibited.

50. For the purposes of this Act, a member of the naval, military or air forces of Canada, who having been placed on active service or called out for training, service or duty, is serving in any of such forces shall be deemed to be twenty-one years of age or over. Member of the forces.

51. Any police officer or constable may arrest without warrant any person whom he finds committing an offence against this Act. Arrest without warrant.

Penalties and Procedure.

52. Every person who violates any of the provisions of this Act or the regulations made thereunder shall be guilty of an offence against this Act whether otherwise so declared or not. Offences.

53. In the prosecution of any offence under this Act in which possession of liquor is an element of the offence, upon *prima facie* proof of such possession, unless the person charged with the offence proves that he did not commit the offence, he may be convicted thereof. Onus.

54.—(1) Every person who violates the provisions of subsection 1 of section 45 shall for the first offence be imprisoned for not less than one month nor more than three months, and for a second or subsequent offence be imprisoned for not less than four months nor more than twelve months. Penalties.

(2) Every person who violates any of the other provisions of this Act or the regulations shall be liable for a first offence to a fine of not less than \$10 nor more than \$500 and in default of immediate payment shall be imprisoned for a period not exceeding two months, or to imprisonment for a period not exceeding thirty days, or to both fine and imprisonment, and for a second or subsequent offence shall be imprisoned for a period not exceeding three months. Idem.

Corporations.

(3) Where an offender convicted of an offence referred to in this section is a corporation it shall be liable to a penalty of not less than \$1,000 nor more than \$3,000.

Analysis by Dominion or provincial analysts.

55. In any prosecution under this Act, or the regulations, production by a police officer, constable or peace officer, of a certificate or report signed or purporting to be signed by a Dominion or provincial analyst as to the analysis or ingredients of any liquor or other fluid or any preparation, compound or substance, such certificate or report shall be conclusive evidence of the facts stated in such certificate or report and of the authority of the person giving or making it without any proof of appointment or signature.

Inference as to intoxicating liquor.

56. The justice trying a case, shall in the absence of proof to the contrary, be at liberty to infer that the liquor in question is intoxicating from the fact that a witness describes it as intoxicating, or by a name which is commonly applied to an intoxicating liquor.

Recovery of penalties.

57.—(1) The penalties imposed by or under the authority of this Act shall be recoverable under *The Summary Convictions Act* and the provisions of the said Act shall apply to prosecutions thereunder, provided that the provisions of *The Liquor Control Act* relating to appeals shall apply to appeals under this Act.

Rev. Stat., cc. 136; 294.

Fines to be paid to Liquor Control Board.

(2) All penalties and money imposed under the provisions of this Act or the regulations, after deducting all necessary costs, shall be paid by the justice to The Liquor Control Board of Ontario as provided by *The Liquor Control Act* and the regulations thereunder.

Payment to treasurer of municipality.

(3) In every case where an officer appointed under section 139 of *The Liquor Control Act* is prosecutor or complainant, the entire penalty in money or such part thereof as is provided by law shall be paid to the treasurer of the municipality appointing such officer.

Employees of Authority Holders.

Employees in authorized premises.

58.—(1) The Board may require every person who, being an employee of a person to whom an authority is issued under this Act, is in any way engaged in selling or serving beer or wine to obtain an employee's authority from the Board in accordance with the regulations.

Sale by unauthorized employees.

(2) Where, as provided by subsection 1, employees are required by the Board to obtain an employee's authority, no person who is not so authorized may be employed in the sale or serving of beer or wine in any authorized premises.

Regulations.

59. The Board, with the approval of the Lieutenant-Governor in Council, may make such regulations with respect to any and all matters and things provided for in this Act as the Board may deem necessary and, without limiting the generality of the foregoing, such powers shall extend to and include the following,—

- (a) classifying, governing, regulating, prescribing and defining premises in respect of which authorities may be issued;
- (b) governing, regulating, defining and designating the portions of premises and the rooms and places therein to which the keeping for sale, selling and consumption of beer and wine shall be restricted and confined;
- (c) governing the issue, renewal, transfer, refusal, suspension and cancellation of authorities;
- (d) governing the location, construction, arrangement, accommodation, equipment, maintenance, management and operation of authorized premises;
- (e) governing the purchase, delivery, keeping for sale, sale, serving and consuming of beer and wine;
- (f) prescribing the persons to whom the sale of beer or wine is to be restricted or prohibited;
- (g) prescribing the periods of the year and the days and hours when beer and wine may be sold, served and consumed;
- (h) prescribing the requirements applicable to the employees of holders of authorities and regulating their duties;
- (i) prescribing the books and records to be kept, returns to be made and information to be furnished with respect to authorized premises and the examination and audit which shall be made of such books and records;
- (j) prescribing the fees payable in respect of the issue and transfer of authorities;
- (k) prescribing the duties of the registrar, deputy registrars, officials, inspectors and employees of the Board;

- (*l*) prescribing the books of account to be kept by the Board;
- (*m*) prescribing the fees, schedules, or other methods of valuation by which monopoly value and depreciation shall be determined for the purposes of sections 38 and 40;
- (*n*) prescribing the official seal of the Board and the form of applications and notices to be used for the purposes of this Act and the manner of effecting service;
- (*o*) prescribing the signs which may be erected on authorized premises;
- (*p*) prescribing the hours and days upon which and the manner, methods and means by which beer and wine shall be delivered to authorized premises;
- (*q*) prescribing the offences against the laws of Canada and Ontario, conviction of which by any person shall disqualify him from holding an authority;
- (*r*) governing the manner of incorporation of corporations which may hold authorities;
- (*s*) governing the manner of incorporation or organization of clubs which may hold authorities and the operation thereof;
- (*t*) prescribing the war veterans' organizations and labour organizations which shall be recognized for the purposes of the issue of authorities;
- (*u*) prescribing the procedure to be followed upon applications to the Board; and
- (*v*) generally for the better carrying out of the provisions of this Act.

Reports.

Reports.

60.—(1) The Board shall from time to time make reports to the Lieutenant-Governor in Council covering such matters in connection with the administration of this Act as he may require and shall annually make to the Lieutenant-Governor in Council, through the Minister, a report for the twelve months ending on the 31st day of March in the year in which the report is made, which shall contain,—

- (a) a statement of the operations of the Board;
- (b) a statement of the number of authorities in existence and the names of the owners thereof at such 31st day of March;
- (c) a detailed statement of the number of the authorities which were issued, renewed, transferred, cancelled or suspended and the names of the owners thereof;
- (d) the details of any compensation awarded;
- (e) a statement of the expenses of the Board;
- (f) general information and remarks as to the working of the Act; and
- (g) any other information requested by the Minister.

(2) Every annual report shall be laid before the Legislature as soon as may be. Report to be presented to Legislature.

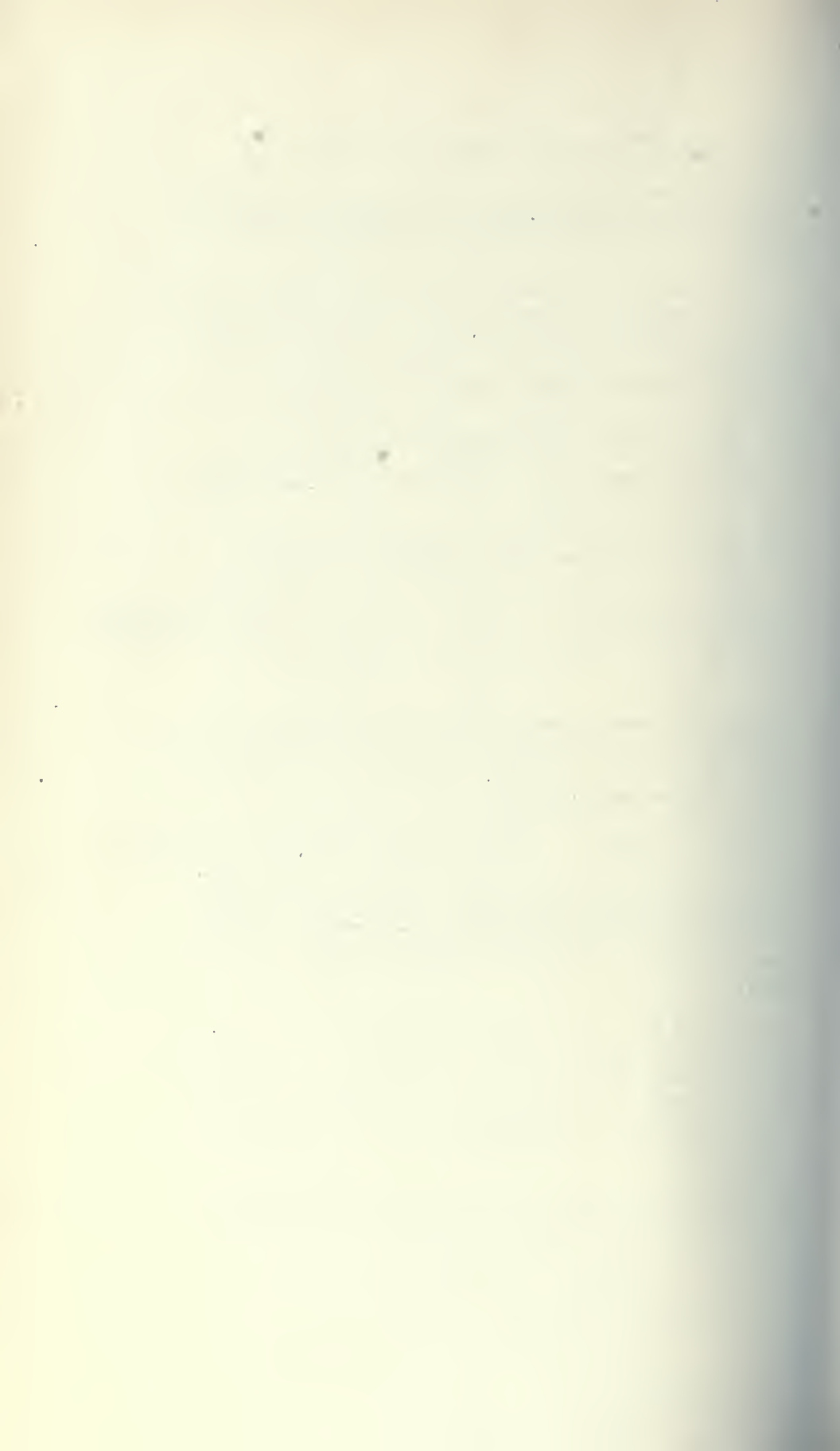
Audit.

61. The books and records of the Board shall at all times be subject to examination and audit by the Provincial Auditor and such other person as the Lieutenant-Governor in Council may authorize in that behalf. Audit of books.

62. Every authority renewed by The Liquor Control Board of Ontario as of the 1st day of April, 1944, and in force at the coming into force of this Act shall be subject to the provisions of this Act as if the authority had been issued hereunder and the Board shall review every such renewal and upon such review all the provisions of this Act relating to renewals shall apply. Existing authorities.

63. This Act, except any portion thereof as may be specifically excepted, shall come into force upon a day to be named by the Lieutenant-Governor by his Proclamation and any such excepted portion shall come into force on a day to be named by the Lieutenant-Governor by his further Proclamation. Commencement of Act.

64. This Act may be cited as *The Liquor Authority Control Act, 1944.* Short title.



The Liquor Authority Control Act, 1944

1st Reading

March 17th, 1944

2nd Reading

March 24th, 1944

3rd Reading

March 30th, 1944

MR. BLACKWELL

No. 62

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Liquor Control Act.

MR. BLACKWELL

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Liquor Control Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 294,
s. 1, cl. a
re-enacted.

1.—(1) Clause *a* of section 1 of *The Liquor Control Act* is repealed and the following substituted therefor:

"Authority."

(a) "Authority" shall mean authority issued under the provisions of *The Liquor Authority Control Act, 1944*, and "authorized premises" shall mean premises for which an authority is issued.

Rev. Stat.,
c. 294, s. 1,
cl. b, s. 1,
amended.

(2) Clause *b* of the said section 1 is amended by striking out all the words after the word "alcohol" in the sixth line.

Rev. Stat.,
c. 294, s. 1,
cl. k,
amended.

(3) Clause *k* of the said section 1 is amended by striking out all the words after the word "beer" in the twelfth line.

Rev. Stat.,
c. 294,
s. 1, cl. o,
re-enacted.

(4) Clause *o* of the said section 1 is repealed and the following substituted therefor:

"Permit".

(a) "Permit" shall mean permit for the purchase of liquor, beer or wine issued by the Board.

Rev. Stat.,
c. 294, s. 1,
cl. u,
amended.

(5) Clause *u* of the said section 1 is amended by striking out the words "or light beer" in the fourth and fifth lines.

Rev. Stat.,
c. 294, s. 3,
subs. 2,
amended.

2. Subsection 2 of section 3 of *The Liquor Control Act* is amended by striking out the words and figures "sections 157 and 158" in the last line and inserting in lieu thereof the word and figures "section 157".

Rev. Stat.,
c. 294, s. 11,
subs. 2, cl. n,
amended.

3.—(1) Clause *n* of subsection 2 of section 11 of *The Liquor Control Act* is amended by striking out the words "and authorities" in the last line thereof, so that the said clause shall now read as follows:

Duties of
officials
authorized
to issue
permits.

(n) prescribing the duties of officials authorized to issue permits under this Act.

EXPLANATORY NOTES

GENERAL. Except where specific reference is made in these explanatory notes to a section of the Bill, all the amendments effected by the Bill are necessarily complementary to Bill No. 61, "*The Liquor Authority Control Act, 1944.*"

SECTION 1. Subsections 2, 3 and 5 are necessary by reason of the repeal of the light beer section of the Act.

SECTION 2. Section 158 relating to standard hotels is repealed and the amendment is to remove the reference to section 158 in this section.

Rev. Stat.,
c. 294, s. 11,
subs. 2, cl. 5,
repealed.

(2) Clause 5 of subsection 2 of the said section 11 is repealed.

Rev. Stat.,
c. 294, s. 18,
re-enacted.

4. Section 18 of *The Liquor Control Act* is repealed and the following substituted therefor:

Moneys from
liquor sales.

18. All moneys received from the sale of liquor at Government stores and from license and permit fees, or otherwise arising in the administration of this Act shall be paid to the Board.

Rev. Stat.,
c. 294, s. 25,
amended.

5. Section 25 of *The Liquor Control Act* is amended by striking out the words "or authorities" in the second line, so that the said section shall now read as follows:

Administra-
tion of oaths.

25. Every vendor and other official authorized by the Board to issue permits under this Act, may administer any oath and take and receive any evidence or declaration required under this Act or the regulations.

Rev. Stat.,
c. 294, s. 30,
amended.

6. Section 30 of *The Liquor Control Act* is repealed and the following substituted therefor:

Board not
compellable
to issue
permits, etc.

30. Notwithstanding anything in this Act contained the Board shall not be compellable to issue any permit or license under this Act and may refuse, suspend or cancel any such permit or license in its discretion, and shall not be obliged to give any reason or explanation for such refusal, suspension or cancellation.

Rev. Stat.,
c. 294,
amended.

7. *The Liquor Control Act* is amended by adding thereto the following section:

Issue of
coupon
books.

38a. Notwithstanding any of the provisions of this Act the Board may issue "individual beer ration coupon books" and "individual native wine ration coupon books" for the purchase of beer and native wine under this Act and where the expressions "individual permit" and "permit" are used in this Act, they shall be deemed to include an "individual beer ration coupon book" and an "individual native wine ration coupon book" and all the provisions of this Act relating to "individual permits" and "permits" shall extend and apply to "individual beer ration coupon books" and "individual native wine ration coupon books" *mutatis mutandis*.

Rev. Stat.,
c. 294, s. 49,
subs. 1,
re-enacted.

8. Subsection 1 of section 43 of *The Liquor Control Act* as amended by subsection 1 of section 16 of *The Statute Law Amendment Act, 1940*, is repealed and the following substituted therefor:

SECTION 4. The anomalous situation at present existing, under which a portion of the revenue of the Liquor Control Board does not in practice form part of the revenue of the Board, is corrected.

SECTION 7. This section clarifies the various provisions relating to the issue of permits and ration coupon books for beer and wine.

Place where
liquor may
be kept.

1944, c.

- (1) Liquor may be kept, had, given or consumed by any person only in the residence in which he resides, except as otherwise provided by *The Liquor Authority Control Act, 1944*, or this Act or the regulations passed thereunder or hereunder.

Rev. Stat.,
c. 294, s. 53,
re-enacted.

- 9.** Section 53 of *The Liquor Control Act* as amended by section 13 of *The Statute Law Amendment Act, 1938*, is repealed and the following substituted therefor:

Term of
license.

53. Every license issued under this Act, unless sooner cancelled or determined, shall expire at midnight on the 31st day of March next following the issue thereof.

Rev. Stat.,
c. 294, s. 64,
subs. 1, cl. a,
subcl. iii
amended.

- 10.** Subclause iii of clause a of subsection 1 of section 64 of *The Liquor Control Act* is amended by adding after the word "perfume" the following words "lotion, toilet water, or other similar preparation", so that the said subclause shall now read as follows:

- (iii) a perfume, lotion, toilet water or other similar preparation, or

Rev. Stat.,
c. 294, s. 65,
subs. 1,
re-enacted.

- 11.** Subsection 1 of section 65 of *The Liquor Control Act* is repealed and the following substituted therefor:

Penalty for
using certain
products as
beverages.

- (1) any person who obtains or consumes for beverage purposes any of the products mentioned in section 63 or 64 or any preparation containing alcohol which has been denatured in accordance with the provisions of *The Excise Act, 1934* (Canada) and the regulations made thereunder, shall be guilty of an offence and liable to the penalties prescribed by subsection 3 of section 120 of this Act.

1934, c. 52,
(Canada).

Rev. Stat.,
c. 294, s. 68,
subs. 1,
amended.

- 12.** Subsection 1 of section 68 of *The Liquor Control Act* is amended by striking out the words "or light beer" where they occur in the first and tenth lines.

Rev. Stat.,
c. 294, s. 69,
subs. 1,
amended.

- 13.—(1)** Subsection 1 of section 69 of *The Liquor Control Act* is amended by striking out the words "and the regulations in the manner herein provided" in the last line and inserting in lieu thereof the words "or *The Liquor Authority Control Act, 1944*, or the regulations hereunder or thereunder", so that the said subsection shall now read as follows:

Local option
by-laws.

- (1) Except as provided by this Act and the regulations, no Government store shall be established by the Board for the sale of liquor, and beer and wine shall not be sold in any municipality or portion of a municipality in which at the time of the coming into

SECTIONS 10 and 11. These provisions strengthen the Act regarding the illegal sale for beverage purposes of lotions containing alcohol.

SECTION 12. This refers to the light beer sections which are repealed.

SECTION 13—Subsection 6. Heretofore where a Government liquor store was established as the result of an affirmative vote under the local option sections of the Act, the Board could issue authorities for the sale of beer and wine in authorized premises. The repeal of this subsection provides that before authorities can be issued under these circumstances a vote of the qualified electors is necessary.



1916, c. 50.
R.S.O. 1914,
c. 215.

1944, c.

force of *The Ontario Temperance Act* a by-law passed under *The Liquor License Act* or under any other Act, was in force prohibiting the sale of liquor by retail unless and until a vote has been taken to establish Government stores or for the sale of beer and wine under the provisions of this Act or *The Liquor Authority Control Act, 1944*, or the regulations hereunder or thereunder.

Rev. Stat.,
c. 294, s. 69,
subs. 2,
re-enacted.

(2) Subsection 2 of 69 of *The Liquor Control Act* is repealed and the following substituted therefor:

Submission
of question.

(2) The council of any municipality in which such by-law was in force may submit to a vote of the persons qualified to be entered on the voters' list and to vote at elections to the Assembly in the municipality, one or both of the following questions:

(a) Are you in favour of the establishment of Government stores for the sale of liquor under *The Liquor Control Act*?

• or

(b) Are you in favour of the sale of beer and wine under the provisions of *The Liquor Authority Control Act, 1944*?

and if a petition in writing signed by at least twenty-five per centum of the total number of persons appearing by the last revised list of the municipality to be resident in the municipality and qualified to vote at elections to the Assembly, requesting the council to submit either of the said questions, is filed with the clerk of the municipality and with the Board, it shall be the duty of the council to submit such question and no other to a vote of the electors, and if three-fifths of the electors voting upon the said question vote in the affirmative thereon, it shall be lawful to establish Government stores in the municipality for the sale of liquor and it shall be lawful for The Liquor Authority Control Board to authorize the sale of beer and wine in such municipality, as the case may be, until another vote is taken as hereinafter provided.

(i) Not more than one of such questions shall be submitted to the electors of any municipality at one time; and

- (ii) Where petitions are presented praying for the submission of different questions, the question to be submitted shall be that asked for in the first petition filed.

Rev. Stat.,
c. 294, s. 69,
subs. 3,
re-enacted.

- (3) Subsection 3 of the said section 69 is repealed and the following substituted therefor:

Submission
of question
of continu-
ance of
stores and
sale of beer
and wine.

- (3) Where a Government store or stores has or have been established or where the sale of beer and wine is authorized in any municipality, the council may, as provided in subsection 2, and subject to the same provisions and on petition as in the case provided for by the said subsection, shall submit to the electors in the same manner, whichever of the following questions may be applicable under the existing circumstances:

- (a) Are you in favour of the continuance of Government stores for the sale of liquor under *The Liquor Control Act*?

or

- (b) Are you in favour of the continuance of the sale of beer and wine under the provisions of *The Liquor Authority Control Act, 1944*?

and if three-fifths of the electors voting on the said question vote in the negative, from and after the 31st day of March in the next following year, any Government store established in the municipality shall be closed, or the sale of beer and wine upon authorized premises shall be discontinued, as the case may be, according to which of the said questions was submitted.

Rev. Stat.,
c. 294, s. 69,
subs. 19,
amended.

- (4) The question on ballot number 2 in subsection 19 of the said section 69 is amended by striking out the words "*The Liquor Control Act*" and inserting in lieu thereof the words "*The Liquor Authority Control Act, 1944*" so that the said question shall now read as follows:

Are you in favour of the sale of beer and wine under the provisions of *The Liquor Authority Control Act, 1944*?

Rev. Stat.,
c. 294, s. 69,
subs. 19,
amended.

- (5) The question on ballot number 4 in subsection 19 of the said section 69 is amended by striking out the words "*The Liquor Control Act*" and inserting in lieu thereof the

words "*The Liquor Authority Control Act, 1944*" so that the said question shall now read as follows:

Are you in favour of the continuance of the sale of beer and wine under the provisions of *The Liquor Authority Control Act, 1944*?

Rev. Stat.,
c. 294, s. 69,
subs. 20,
repealed.

(6) Subsection 20 of the said section 69 is repealed.

Rev. Stat.,
c. 294,
ss. 70-85,
86a (1942,
c. 25, s. 2)
titles and
headings,
repealed.

14. Sections 70 to 85 of *The Liquor Control Act*, section 86a of the said Act as enacted by section 2 of *The Liquor Control Amendment Act, 1942*, and the titles and headings preceding sections 70 and 85 respectively are repealed.

Rev. Stat.,
c. 294, s. 93,
amended.

15. Section 93 of *The Liquor Control Act* is amended by inserting after the word "Act" in the first line the words "or *The Liquor Authority Control Act, 1944*, or the regulations hereunder or thereunder", so that the said section shall now read as follows:

Consump-
tion of liquor
prohibited.
1944, c. 00.

93. Except as provided by this Act or *The Liquor Authority Control Act, 1944*, or the regulations hereunder or thereunder, no person within the Province of Ontario shall consume any liquor on any premises where liquor is kept for sale.

Rev. Stat.,
c. 294, s. 94,
amended.

16. Section 94 of *The Liquor Control Act* is amended by striking out the words "and the regulations" in the first line and inserting in lieu thereof the words "or *The Liquor Authority Control Act, 1944*, or the regulations hereunder or thereunder", so that the said section shall now read as follows:

Liquor
which may
be con-
sumed.
1944, c. 00.

94. Except as provided by this Act or *The Liquor Authority Control Act, 1944*, or the regulations hereunder or thereunder, no person shall consume liquor within Ontario unless the same has been acquired under the authority of a permit or prescription issued under this Act, or is had or kept with the permission of the Board, and unless the package in which the liquor is contained and from which it is taken for consumption has, while containing that liquor, been sealed with the official seal prescribed under this Act and the regulations.

Rev. Stat.,
c. 294, s. 96,
subs. 1,
amended.

17. Subsection 1 of section 96 of *The Liquor Control Act* is amended by striking out the words "regulations made" in the second line and inserting in lieu thereof the words "*The Liquor Authority Control Act, 1944*, or the regulations made hereunder or", so that the said subsection shall now read as follows:

SECTION 14. This section repeals sections 70 to 83 which are transferred to *The Liquor Authority Control Act*. The repeal of sections 85 and 86 remove the light beer provisions from *The Liquor Control Act* which are obsolete. Light beer had an alcoholic content of 4.4 percent proof spirits and is not now manufactured or sold. Sections 84 and 86a are re-enacted in a more appropriate location as sections 162 and 163.

Consumption else-
where than
in residence.
1944, c. 00.

- (1) Except as expressly provided by this Act or *The Liquor Authority Control Act, 1944*, or the regulations made hereunder or thereunder, no person shall consume liquor in any place other than a residence.

Rev. Stat.,
c. 294, s. 98,
subs. 1,
re-enacted.

18. Subsection 1 of section 98 of *The Liquor Control Act* is repealed and the following substituted therefor:

Minors.

- (1) No person shall knowingly sell or supply liquor to a person under the age of twenty-one years.

Idem.

- (1a) No liquor shall be sold to a person who is apparently under the age of twenty-one years and in any prosecution for a violation of this subsection the justice shall determine from the appearance of any such person and other relevant circumstances whether he is apparently under the age of twenty-one years.

Rev. Stat.,
c. 294, s. 101,
amended.

19. Section 101 of *The Liquor Control Act* is amended by striking out the words "procure for or sell" in the fourth line and inserting in lieu thereof the words "knowingly procure for, sell", so that the said section shall now read as follows:

Supply of
liquor to
interdicted
person.

101. Except in the case of liquor supplied to an interdicted person upon the prescription of a physician, or administered to him by a physician or dentist pursuant to this Act, no person shall knowingly procure for, sell or give, to any interdicted person, any liquor, nor directly or indirectly assist in procuring or supplying any liquor to any interdicted person.

Rev. Stat.,
c. 294, s. 107,
subs. 1,
amended.

20. Subsection 1 of section 107 of *The Liquor Control Act* is amended by striking out the words "and the regulations" in the first and second lines and inserting in lieu thereof the words "or *The Liquor Authority Control Act, 1944*, or the regulations hereunder or thereunder", so that the said subsection shall now read as follows:

Hotels.

- (1) Except as provided by this Act, or *The Liquor Authority Control Act, 1944*, or the regulations hereunder or thereunder and except in the case of liquor kept and consumed pursuant to a special permit granted under the provisions of section 38 of this Act, no person,—

- (a) shall keep or consume liquor in any part of a hotel other than a private guest room;
- (b) shall keep or have any liquor in any room in a hotel unless he is a *bona fide* guest of the hotel and is duly registered in the office of the hotel

SECTION 18. The new subsection prohibits the sale of liquor to any person who is known to be a minor as well as any person who is apparently a minor. This strengthens the existing law.

SECTION 19. This section clarifies the provisions of *The Liquor Control Act* regarding sales to interdicted persons.

as an occupant of that room and has baggage and personal effects belonging to him in the hotel.

Rev. Stat.,
c. 294, s. 119,
amended.

21. Section 119 of *The Liquor Control Act* as amended by section 7 of *The Liquor Control Amendment Act, 1942*, is further amended by striking out the word "knowingly" in the first line, so that the said section shall now read as follows:

Sale to
minors and
interdicted
persons.

119. Every person who violates any provision of subsection 1 of section 98 or section 101 shall for the first offence be imprisoned for not less than one month, nor more than three months, and for a second or subsequent offence, be imprisoned for not less than four months, nor more than twelve months.

Rev. Stat.,
c. 294, s. 120,
subs. 2a,
(1942,
c. 25, s. 8),
amended.

22.—(1) Subsection 2a of section 120 of *The Liquor Control Act* as enacted by section 8 of *The Liquor Control Amendment Act, 1942*, is amended by striking out the words and figures "subsection 4 of section 79" in the second line and by inserting after the word "subsection" in the third line the figure, letter and word "1a or", so that the said subsection shall now read as follows:

Penalty.

(2a) Every person who violates any of the provisions of subsection 2 of section 89a or subsection 1a or 2 of section 98 shall be liable for a first offence to a fine of not less than \$10 nor more than \$500 and in default of immediate payment shall be imprisoned for a period not exceeding two months, or to imprisonment for a period not exceeding thirty days, or to both fine and imprisonment, and for a second or subsequent offence to imprisonment for a period not exceeding three months.

Rev. Stat.,
c. 294, s. 120,
subs. 3,
amended.

(2) Subsection 3 of the said section 120 as amended by subsection 2 of section 16 of *The Statute Law Amendment Act, 1940*, is further amended by striking out the words and figures "108 or subsection 4 of section 125" in the third line and inserting in lieu thereof the word and figures "or 108", so that the said subsection shall now read as follows:

Penalties.

(3) Everyone who violates any of the provisions of sections 35, 36, 57, 59, 60, 61, subsection 2 of section 87 or sections 99, 104, 106, 107 or 108 shall be liable, for a first offence, to a fine of not less than \$100 nor more than \$1,000, and in default of immediate payment shall be imprisoned for a period of three months and for a second or subsequent offence, to imprisonment for three months.

SECTION 21. This clarifies the penalties for illegal sale to minors and interdicted persons.

SECTION 22. This amendment is necessary to bring the penalty sections in conformity with the amendments contained in the Bill.

Rev. Stat., c. 294, s. 125, sub. 4, re-enacted. **23.** Subsection 4 of section 125 of *The Liquor Control Act* is repealed and the following substituted therefor:

Seizure of permit, etc., without warrant.

1944, c. 00.

- (4) A police officer or constable may without a warrant, seize from any person or corporation, any permit, license or authority, issued under this Act or under *The Liquor Authority Control Act, 1944*, and the regulations made thereunder.

Rev. Stat., c. 294, s. 158, repealed.

24. Section 158 of *The Liquor Control Act* is repealed.

Rev. Stat., c. 294, amended.

25. *The Liquor Control Act* is amended by adding thereto the following sections:

Member of forces.

162. For the purposes of this Act, a member of the naval, military or air forces of Canada, who having been placed on active service or called out for training, service or duty, is serving in any of such forces shall be deemed to be twenty-one years of age or over.

Remission to municipalities.

163. The Board may remit to any municipality in which authorities have been issued, such portion of the fees received in respect thereof as may be fixed by the Lieutenant-Governor in Council.

Effect of 1944, c. 00.

164. The provisions of this Act relating to the sale, purchase, having, supplying, serving and consuming of beer and wine shall be read and construed subject to the provisions of *The Liquor Authority Control Act, 1944*.

Commencement of Act.

26. This Act shall come into force on a day to be named by the Lieutenant-Governor by his proclamation.

Short title.

27. This Act may be cited as *The Liquor Control Amendment Act, 1944*.

SECTION 23. Subsection 4 of section 125 as it exists at the present time creates an offence for police obstruction in the enforcement of *The Liquor Control Act.* This is covered by the provisions of the *Criminal Code* under the general law and is *ultra vires* of the Provincial Legislature and is repealed. The new subsection gives authority to a police officer without a warrant to seize any permit or authority.

SECTION 24. This section repeals the provisions of *The Liquor Control Act* regarding standard hotels. The existing provisions regarding standard hotels are considered obsolete.

SECTION 25. Section 162 mentioned in this Section is existing law and is found as section 86a of the present Statute. Section 163 mentioned in this section is existing law and is found as section 84. Section 164 is self-explanatory.

1st Reading

March 17th, 1944

2nd Reading

3rd Reading

MR. BLACKWELL

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Liquor Control Act.

MR. BLACKWELL

(Reprinted as amended in Committee of the Whole House.)

BILL

An Act to amend The Liquor Control Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 294,
s. 1 cl. *a*
re-enacted.

1.—(1) Clause *a* of section 1 of *The Liquor Control Act* is repealed and the following substituted therefor:

"Authority."

(*a*) "Authority" shall mean authority issued under the provisions of *The Liquor Authority Control Act, 1944*, and "authorized premises" shall mean premises for which an authority is issued.

Rev. Stat.,
c. 294, s. 1,
cl. *b*,
amended.

(2) Clause *b* of the said section 1 is amended by striking out all the words after the word "alcohol" in the sixth line.

Rev. Stat.,
c. 294, s. 1,
cl. *k*,
amended.

(3) Clause *k* of the said section 1 is amended by striking out all the words after the word "beer" in the twelfth line.

Rev. Stat.,
c. 294,
s. 1, cl. *o*,
re-enacted.

(4) Clause *o* of the said section 1 is repealed and the following substituted therefor:

"Permit".

(*o*) "Permit" shall mean permit for the purchase of liquor, beer or wine issued by the Board.

Rev. Stat.,
c. 294, s. 1,
cl. *u*,
amended.

(5) Clause *u* of the said section 1 is amended by striking out the words "or light beer" in the fourth and fifth lines.

Rev. Stat.,
c. 294, s. 3,
subs. 2,
amended.

2. Subsection 2 of section 3 of *The Liquor Control Act* is amended by striking out the words and figures "sections 157 and 158" in the last line and inserting in lieu thereof the word and figures "section 157".

Rev. Stat.,
c. 294, s. 11,
subs. 2, cl. *n*,
amended.

3.—(1) Clause *n* of subsection 2 of section 11 of *The Liquor Control Act* is amended by striking out the words "and authorities" in the last line thereof, so that the said clause shall now read as follows:

Duties of
officials
authorized
to issue
permits.

(*n*) prescribing the duties of officials authorized to issue permits under this Act.

EXPLANATORY NOTES

GENERAL. Except where specific reference is made in these explanatory notes to a section of the Bill, all the amendments effected by the Bill are necessarily complementary to Bill No. 61, "*The Liquor Authority Control Act, 1944.*"

SECTION 1. Subsections 2, 3 and 5 are necessary by reason of the repeal of the light beer section of the Act.

SECTION 2. Section 158 relating to standard hotels is repealed and the amendment is to remove the reference to section 158 in this section.

Rev. Stat.,
c. 294, s. 11,
subs. 2, cl. 3,
repealed.

(2) Clause s of subsection 2 of the said section 11 is repealed.

Rev. Stat.,
c. 294, s. 18,
re-enacted.

4. Section 18 of *The Liquor Control Act* is repealed and the following substituted therefor:

Moneys from
liquor sales.

18. All moneys received from the sale of liquor at Government stores and from license and permit fees, or otherwise arising in the administration of this Act shall be paid to the Board.

Rev. Stat.,
c. 294, s. 25,
amended.

5. Section 25 of *The Liquor Control Act* is amended by striking out the words "or authorities" in the second line, so that the said section shall now read as follows:

Administra-
tion of oaths.

25. Every vendor and other official authorized by the Board to issue permits under this Act, may administer any oath and take and receive any evidence or declaration required under this Act or the regulations.

Rev. Stat.,
c. 294, s. 30,
amended.

6. Section 30 of *The Liquor Control Act* is repealed and the following substituted therefor:

Board not
compellable
to issue
permits, etc.

30. Notwithstanding anything in this Act contained the Board shall not be compellable to issue any permit or license under this Act and may refuse, suspend or cancel any such permit or license in its discretion, and shall not be obliged to give any reason or explanation for such refusal, suspension or cancellation.

Rev. Stat.,
c. 294,
amended.

7. *The Liquor Control Act* is amended by adding thereto the following section:

Issue of
coupon
books.

38a. Notwithstanding any of the provisions of this Act the Board may issue "individual beer ration coupon books" and "individual native wine ration coupon books" for the purchase of beer and native wine under this Act and where the expressions "individual permit" and "permit" are used in this Act, they shall be deemed to include an "individual beer ration coupon book" and an "individual native wine ration coupon book" and all the provisions of this Act relating to "individual permits" and "permits" shall extend and apply to "individual beer ration coupon books" and "individual native wine ration coupon books" *mutatis mutandis*.

Rev. Stat.,
c. 294, s. 49,
subs. 1,
re-enacted.

8. Subsection 1 of section 43 of *The Liquor Control Act* as amended by subsection 1 of section 16 of *The Statute Law Amendment Act, 1940*, is repealed and the following substituted therefor:

SECTION 4. The anomalous situation at present existing, under which a portion of the revenue of the Liquor Control Board does not in practice form part of the revenue of the Board, is corrected.

SECTION 7. This section clarifies the various provisions relating to the issue of permits and ration coupon books for beer and wine.

Place where
liquor may
be kept.

1944, c.

- (1) Liquor may be kept, had, given or consumed by any person only in the residence in which he resides, except as otherwise provided by *The Liquor Authority Control Act, 1944*, or this Act or the regulations passed thereunder or hereunder.

Rev. Stat.,
c. 294, s. 53,
re-enacted.

9. Section 53 of *The Liquor Control Act* as amended by section 13 of *The Statute Law Amendment Act, 1938*, is repealed and the following substituted therefor:

Term of
license.

53. Every license issued under this Act, unless sooner cancelled or determined, shall expire at midnight on the 31st day of March next following the issue thereof.

Rev. Stat.,
c. 294, s. 64,
subs. 1, cl. a,
subcl. iii
amended.

10. Subclause iii of clause a of subsection 1 of section 64 of *The Liquor Control Act* is amended by adding after the word "perfume" the following words "lotion, toilet water, or other similar preparation", so that the said subclause shall now read as follows:

- (iii) a perfume, lotion, toilet water or other similar preparation, or

Rev. Stat.,
c. 294, s. 65,
subs. 1,
re-enacted.

11. Subsection 1 of section 65 of *The Liquor Control Act* is repealed and the following substituted therefor:

Penalty for
using certain
products as
beverages.

1934, c. 52,
(Canada).

- (1) any person who obtains or consumes for beverage purposes any of the products mentioned in section 63 or 64 or any preparation containing alcohol which has been denatured in accordance with the provisions of *The Excise Act, 1934* (Canada) and the regulations made thereunder, shall be guilty of an offence and liable to the penalties prescribed by subsection 3 of section 120 of this Act.

Rev. Stat.,
c. 294, s. 68,
subs. 1,
amended.

12. Subsection 1 of section 68 of *The Liquor Control Act* is amended by striking out the words "or light beer" where they occur in the first and tenth lines.

Rev. Stat.,
c. 294, s. 69,
subs. 1,
amended.

13.—(1) Subsection 1 of section 69 of *The Liquor Control Act* is amended by striking out the words "and the regulations in the manner herein provided" in the last line and inserting in lieu thereof the words "or *The Liquor Authority Control Act, 1944*, or the regulations hereunder or thereunder", so that the said subsection shall now read as follows:

Local option
by-laws.

- (1) Except as provided by this Act and the regulations, no Government store shall be established by the Board for the sale of liquor, and beer and wine shall not be sold in any municipality or portion of a municipality in which at the time of the coming into

SECTIONS 10 and 11. These provisions strengthen the Act regarding the illegal sale for beverage purposes of lotions containing alcohol.

SECTION 12. This refers to the light beer sections which are repealed.

SECTION 13—Subsection 6. Heretofore where a Government liquor store was established as the result of an affirmative vote under the local option sections of the Act, the Board could issue authorities for the sale of beer and wine in authorized premises. The repeal of this subsection provides that before authorities can be issued under these circumstances a vote of the qualified electors is necessary.

1916, c. 50.

R.S.O. 1914,
c. 215.

1944, c.

force of *The Ontario Temperance Act* a by-law passed under *The Liquor License Act* or under any other Act, was in force prohibiting the sale of liquor by retail unless and until a vote has been taken to establish Government stores or for the sale of beer and wine under the provisions of this Act or *The Liquor Authority Control Act, 1944*, or the regulations hereunder or thereunder.

Rev. Stat.,
c. 294, s. 69,
subs. 2,
re-enacted.

(2) Subsection 2 of 69 of *The Liquor Control Act* is repealed and the following substituted therefor:

Submission
of question.

(2) The council of any municipality in which such by-law was in force may submit to a vote of the persons qualified to be entered on the voters' list and to vote at elections to the Assembly in the municipality, one of the following questions:

(a) Are you in favour of the establishment of Government stores for the sale of liquor under *The Liquor Control Act*?

or

(b) Are you in favour of the sale of beer and wine under the provisions of *The Liquor Authority Control Act, 1944*?

and if a petition in writing signed by at least twenty-five per centum of the total number of persons appearing by the last revised list of the municipality to be resident in the municipality and qualified to vote at elections to the Assembly, requesting the council to submit either of the said questions, is filed with the clerk of the municipality and with the Board, it shall be the duty of the council to submit such question and no other to a vote of the electors, and if three-fifths of the electors voting upon the said question vote in the affirmative thereon, it shall be lawful to establish Government stores in the municipality for the sale of liquor and it shall be lawful for The Liquor Authority Control Board to authorize the sale of beer and wine in such municipality, as the case may be, until another vote is taken as hereinafter provided.

(i) Not more than one of such questions shall be submitted to the electors of any municipality at one time; and



- (ii) Where petitions are presented praying for the submission of different questions, the question to be submitted shall be that asked for in the first petition filed.

Rev. Stat.,
c. 294, s. 69,
subs. 3,
re-enacted.

- (3) Subsection 3 of the said section 69 is repealed and the following substituted therefor:

Submission
of question
of continu-
ance of
stores and
sale of beer
and wine.

- (3) Where a Government store or stores has or have been established or where the sale of beer and wine is authorized in any municipality, the council may, as provided in subsection 2, and subject to the same provisions and on petition as in the case provided for by the said subsection, shall submit to the electors in the same manner, whichever of the following questions may be applicable under the existing circumstances:

- (a) Are you in favour of the continuance of Government stores for the sale of liquor under *The Liquor Control Act*?

or

- (b) Are you in favour of the continuance of the sale of beer and wine under the provisions of *The Liquor Authority Control Act, 1944*?

and if three-fifths of the electors voting on the said question vote in the negative, from and after the 31st day of March in the next following year, any Government store established in the municipality shall be closed, or the sale of beer and wine upon authorized premises shall be discontinued, as the case may be, according to which of the said questions was submitted.

Rev. Stat.,
c. 294, s. 69,
subs. 19,
amended.

- (4) The question on ballot number 2 in subsection 19 of the said section 69 is amended by striking out the words "*The Liquor Control Act*" and inserting in lieu thereof the words "*The Liquor Authority Control Act, 1944*" so that the said question shall now read as follows:

Are you in favour of the sale of beer and wine under the provisions of *The Liquor Authority Control Act, 1944*?

Rev. Stat.,
c. 294, s. 69,
subs. 19,
amended.

- (5) The question on ballot number 4 in subsection 19 of the said section 69 is amended by striking out the words "*The Liquor Control Act*" and inserting in lieu thereof the

words "*The Liquor Authority Control Act, 1944*" so that the said question shall now read as follows:

Are you in favour of the continuance of the sale of beer and wine under the provisions of *The Liquor Authority Control Act, 1944*?

Rev. Stat.,
c. 294, s. 69,
subs. 20,
repealed.

(6) Subsection 20 of the said section 69 is repealed.

Rev. Stat.,
c. 294,
ss. 70-85,
86a (1942,
c. 25, s. 2)
titles and
headings,
repealed.

14. Sections 70 to 85 of *The Liquor Control Act*, section 86a of the said Act as enacted by section 2 of *The Liquor Control Amendment Act, 1942*, and the titles and headings preceding sections 70 and 85 respectively are repealed.

Rev. Stat.,
c. 294, s. 93,
amended.

15. Section 93 of *The Liquor Control Act* is amended by inserting after the word "Act" in the first line the words "or *The Liquor Authority Control Act, 1944*, or the regulations hereunder or thereunder", so that the said section shall now read as follows:

Consump-
tion of liquor
prohibited.
1944, c. 00.

93. Except as provided by this Act or *The Liquor Authority Control Act, 1944*, or the regulations hereunder or thereunder, no person within the Province of Ontario shall consume any liquor on any premises where liquor is kept for sale.

Rev. Stat.,
c. 294, s. 94,
amended.

16. Section 94 of *The Liquor Control Act* is amended by striking out the words "and the regulations" in the first line and inserting in lieu thereof the words "or *The Liquor Authority Control Act, 1944*, or the regulations hereunder or thereunder", so that the said section shall now read as follows:

Liquor
which may
be con-
sumed.
1944, c. 00

94. Except as provided by this Act or *The Liquor Authority Control Act, 1944*, or the regulations hereunder or thereunder, no person shall consume liquor within Ontario unless the same has been acquired under the authority of a permit or prescription issued under this Act, or is had or kept with the permission of the Board, and unless the package in which the liquor is contained and from which it is taken for consumption has, while containing that liquor, been sealed with the official seal prescribed under this Act and the regulations.

Rev. Stat.,
c. 294, s. 96,
subs. 1,
amended.

17. Subsection 1 of section 96 of *The Liquor Control Act* is amended by striking out the words "regulations made" in the second line and inserting in lieu thereof the words "*The Liquor Authority Control Act, 1944*, or the regulations made hereunder or", so that the said subsection shall now read as follows:

SECTION 14. This section repeals sections 70 to 83 which are transferred to *The Liquor Authority Control Act*. The repeal of sections 85 and 86 remove the light beer provisions from *The Liquor Control Act* which are obsolete. Light beer had an alcoholic content of 4.4 percent proof spirits and is not now manufactured or sold. Sections 84 and 86a are re-enacted in a more appropriate location as sections 162 and 163.

Consumption elsewhere than in residence.
1944, c. 00.

- (1) Except as expressly provided by this Act or *The Liquor Authority Control Act, 1944*, or the regulations made hereunder or thereunder, no person shall consume liquor in any place other than a residence.

Rev. Stat., c. 294, s. 98, subs. 1, re-enacted.

18. Subsection 1 of section 98 of *The Liquor Control Act* is repealed and the following substituted therefor:

Minors.

- (1) No person shall knowingly sell or supply liquor to a person under the age of twenty-one years.

Idem.

- (1a) No liquor shall be sold to a person who is apparently under the age of twenty-one years and in any prosecution for a violation of this subsection the justice shall determine from the appearance of any such person and other relevant circumstances whether he is apparently under the age of twenty-one years.

Rev. Stat., c. 294, s. 101, amended.

19. Section 101 of *The Liquor Control Act* is amended by striking out the words "procure for or sell" in the fourth line and inserting in lieu thereof the words "knowingly procure for, sell", so that the said section shall now read as follows:

Supply of liquor to interdicted person.

101. Except in the case of liquor supplied to an interdicted person upon the prescription of a physician, or administered to him by a physician or dentist pursuant to this Act, no person shall knowingly procure for, sell or give, to any interdicted person, any liquor, nor directly or indirectly assist in procuring or supplying any liquor to any interdicted person.

Rev. Stat., c. 294, s. 107, subs. 1, amended.

20. Subsection 1 of section 107 of *The Liquor Control Act* is amended by striking out the words "and the regulations" in the first and second lines and inserting in lieu thereof the words "or *The Liquor Authority Control Act, 1944*, or the regulations hereunder or thereunder", so that the said subsection shall now read as follows:

Hotels.

- (1) Except as provided by this Act, or *The Liquor Authority Control Act, 1944*, or the regulations hereunder or thereunder and except in the case of liquor kept and consumed pursuant to a special permit granted under the provisions of section 38 of this Act, no person,—

(a) shall keep or consume liquor in any part of a hotel other than a private guest room;

(b) shall keep or have any liquor in any room in a hotel unless he is a *bona fide* guest of the hotel and is duly registered in the office of the hotel

SECTION 18. The new subsection prohibits the sale of liquor to any person who is known to be a minor as well as any person who is apparently a minor. This strengthens the existing law.

SECTION 19. This section clarifies the provisions of *The Liquor Control Act* regarding sales to interdicted persons.

as an occupant of that room and has baggage and personal effects belonging to him in the hotel.

Rev. Stat.,
c. 294, s. 119,
amended.

21. Section 119 of *The Liquor Control Act* as amended by section 7 of *The Liquor Control Amendment Act, 1942*, is further amended by striking out the word "knowingly" in the first line, so that the said section shall now read as follows:

Sale to
minors and
interdicted
persons.

119. Every person who violates any provision of subsection 1 of section 98 or section 101 shall for the first offence be imprisoned for not less than one month, nor more than three months, and for a second or subsequent offence, be imprisoned for not less than four months, nor more than twelve months.

Rev. Stat.,
c. 294, s. 120,
subs. 2a,
(1942,
c. 25, s. 8),
amended.

22.—(1) Subsection 2a of section 120 of *The Liquor Control Act* as enacted by section 8 of *The Liquor Control Amendment Act, 1942*, is amended by striking out the words and figures "subsection 4 of section 79" in the second line and by inserting after the word "subsection" in the third line the figure, letter and word "1a or", so that the said subsection shall now read as follows:

Penalty.

(2a) Every person who violates any of the provisions of subsection 2 of section 89a or subsection 1a or 2 of section 98 shall be liable for a first offence to a fine of not less than \$10 nor more than \$500 and in default of immediate payment shall be imprisoned for a period not exceeding two months, or to imprisonment for a period not exceeding thirty days, or to both fine and imprisonment, and for a second or subsequent offence to imprisonment for a period not exceeding three months.

Rev. Stat.,
c. 294, s. 120,
subs. 3,
amended.

(2) Subsection 3 of the said section 120 as amended by subsection 2 of section 16 of *The Statute Law Amendment Act, 1940*, is further amended by striking out the words and figures "108 or subsection 4 of section 125" in the third line and inserting in lieu thereof the word and figures "or 108", so that the said subsection shall now read as follows:

Penalties.

(3) Everyone who violates any of the provisions of sections 35, 36, 57, 59, 60, 61, subsection 2 of section 87 or sections 99, 104, 106, 107 or 108 shall be liable, for a first offence, to a fine of not less than \$100 nor more than \$1,000, and in default of immediate payment shall be imprisoned for a period of three months and for a second or subsequent offence, to imprisonment for three months.

SECTION 21. This clarifies the penalties for illegal sale to minors and interdicted persons.

SECTION 22. This amendment is necessary to bring the penalty sections in conformity with the amendments contained in the Bill.

Rev. Stat., c. 294, s. 125, sub. 4, re-enacted. **23.** Subsection 4 of section 125 of *The Liquor Control Act* is repealed and the following substituted therefor:

Seizure of permit, etc., without warrant.

1944, c. 00.

- (4) A police officer or constable may without a warrant, seize from any person or corporation, any permit, license or authority, issued under this Act or under *The Liquor Authority Control Act, 1944*, and the regulations made thereunder.

Rev. Stat., c. 294, s. 158, repealed.

24. Section 158 of *The Liquor Control Act* is repealed.

Rev. Stat., c. 294, amended.

25. *The Liquor Control Act* is amended by adding thereto the following sections:

Member of forces.

162. For the purposes of this Act, a member of the naval, military or air forces of Canada, who having been placed on active service or called out for training, service or duty, is serving in any of such forces shall be deemed to be twenty-one years of age or over.

Remission to municipalities.

163. The Board may remit to any municipality in which authorities have been issued, such portion of the fees received in respect thereof as may be fixed by the Lieutenant-Governor in Council.

Effect of 1944, c. 00.

164. The provisions of this Act relating to the sale, purchase, having, supplying, serving and consuming of beer and wine shall be read and construed subject to the provisions of *The Liquor Authority Control Act, 1944*.

Commencement of Act.

26. This Act shall come into force on a day to be named by the Lieutenant-Governor by his proclamation.

Short title.

27. This Act may be cited as *The Liquor Control Amendment Act, 1944*.

SECTION 23. Subsection 4 of section 125 as it exists at the present time creates an offence for police obstruction in the enforcement of *The Liquor Control Act*. This is covered by the provisions of the *Criminal Code* under the general law and is *ultra vires* of the Provincial Legislature and is repealed. The new subsection gives authority to a police officer without a warrant to seize any permit or authority.

SECTION 24. This section repeals the provisions of *The Liquor Control Act* regarding standard hotels. The existing provisions regarding standard hotels are considered obsolete.

SECTION 25. Section 162 mentioned in this Section is existing law and is found as section 86a of the present Statute. Section 163 mentioned in this section is existing law and is found as section 84. Section 164 is self-explanatory.

1st Reading

March 17th, 1944

2nd Reading

March 24th, 1944

3rd Reading

MR. BLACKWELL

*(Reprinted as amended in Committee of the
Whole House.)*

No. 62

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Liquor Control Act.

MR. BLACKWELL

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Liquor Control Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 294,
s. 1, cl. *a*
re-enacted.

1.—(1) Clause *a* of section 1 of *The Liquor Control Act* is repealed and the following substituted therefor:

“Authority.”

(*a*) “Authority” shall mean authority issued under the provisions of *The Liquor Authority Control Act, 1944*, and “authorized premises” shall mean premises for which an authority is issued.

Rev. Stat.,
c. 294, s. 1,
cl. *b*,
amended.

(2) Clause *b* of the said section 1 is amended by striking out all the words after the word “alcohol” in the sixth line.

Rev. Stat.,
c. 294, s. 1,
cl. *k*,
amended.

(3) Clause *k* of the said section 1 is amended by striking out all the words after the word “beer” in the twelfth line.

Rev. Stat.,
c. 294,
s. 1, cl. *o*,
re-enacted.

(4) Clause *o* of the said section 1 is repealed and the following substituted therefor:

“Permit”.

(*o*) “Permit” shall mean permit for the purchase of liquor, beer or wine issued by the Board.

Rev. Stat.,
c. 294, s. 1,
cl. *u*,
amended.

(5) Clause *u* of the said section 1 is amended by striking out the words “or light beer” in the fourth and fifth lines.

Rev. Stat.,
c. 294, s. 3,
subs. 2,
amended.

2. Subsection 2 of section 3 of *The Liquor Control Act* is amended by striking out the words and figures “sections 157 and 158” in the last line and inserting in lieu thereof the word and figures “section 157”.

Rev. Stat.,
c. 294, s. 11,
subs. 2, cl. *n*,
amended.

3.—(1) Clause *n* of subsection 2 of section 11 of *The Liquor Control Act* is amended by striking out the words “and authorities” in the last line thereof, so that the said clause shall now read as follows:

Duties of
officials
authorized
to issue
permits.

(*n*) prescribing the duties of officials authorized to issue permits under this Act.

(2) Clause s of subsection 2 of the said section 11 is repealed.

Rev. Stat.,
c. 294, s. 11,
subs. 2, cl. s,
repealed.

4. Section 18 of *The Liquor Control Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 294, s. 18,
re-enacted.

18. All moneys received from the sale of liquor at Government stores and from license and permit fees, or otherwise arising in the administration of this Act shall be paid to the Board.

Moneys from
liquor sales.

5. Section 25 of *The Liquor Control Act* is amended by striking out the words "or authorities" in the second line, so that the said section shall now read as follows:

Rev. Stat.,
c. 294, s. 25,
amended.

25. Every vendor and other official authorized by the Board to issue permits under this Act, may administer any oath and take and receive any evidence or declaration required under this Act or the regulations.

Administra-
tion of oaths.

6. Section 30 of *The Liquor Control Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 294, s. 30,
amended.

30. Notwithstanding anything in this Act contained the Board shall not be compellable to issue any permit or license under this Act and may refuse, suspend or cancel any such permit or license in its discretion, and shall not be obliged to give any reason or explanation for such refusal, suspension or cancellation.

Board not
compellable
to issue
permits, etc.

7. *The Liquor Control Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 294,
amended.

38a. Notwithstanding any of the provisions of this Act the Board may issue "individual beer ration coupon books" and "individual native wine ration coupon books" for the purchase of beer and native wine under this Act and where the expressions "individual permit" and "permit" are used in this Act, they shall be deemed to include an "individual beer ration coupon book" and an "individual native wine ration coupon book" and all the provisions of this Act relating to "individual permits" and "permits" shall extend and apply to "individual beer ration coupon books" and "individual native wine ration coupon books" *mutatis mutandis*.

Issue of
coupon
books.

8. Subsection 1 of section 43 of *The Liquor Control Act* as amended by subsection 1 of section 16 of *The Statute Law Amendment Act, 1940*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 294, s. 49,
subs. 1,
re-enacted.

Place where
liquor may
be kept.
1944, c.

- (1) Liquor may be kept, had, given or consumed by any person only in the residence in which he resides, except as otherwise provided by *The Liquor Authority Control Act, 1944*, or this Act or the regulations passed thereunder or hereunder.

Rev. Stat.,
c. 294, s. 53,
re-enacted.

- 9.** Section 53 of *The Liquor Control Act* as amended by section 13 of *The Statute Law Amendment Act, 1938*, is repealed and the following substituted therefor:

Term of
license.

53. Every license issued under this Act, unless sooner cancelled or determined, shall expire at midnight on the 31st day of March next following the issue thereof.

Rev. Stat.,
c. 294, s. 64,
subs. 1, cl. a,
subcl. iii
amended.

- 10.** Subclause iii of clause *a* of subsection 1 of section 64 of *The Liquor Control Act* is amended by adding after the word "perfume" the following words "lotion, toilet water, or other similar preparation", so that the said subclause shall now read as follows:

- (iii) a perfume, lotion, toilet water or other similar preparation, or

Rev. Stat.,
c. 294, s. 65,
subs. 1,
re-enacted.

- 11.** Subsection 1 of section 65 of *The Liquor Control Act* is repealed and the following substituted therefor:

Penalty for
using certain
products as
beverages.

- (1) any person who obtains or consumes for beverage purposes any of the products mentioned in section 63 or 64 or any preparation containing alcohol which has been denatured in accordance with the provisions of *The Excise Act, 1934* (Canada) and the regulations made thereunder, shall be guilty of an offence and liable to the penalties prescribed by subsection 3 of section 120 of this Act.

1934, c. 52,
(Canada).

Rev. Stat.,
c. 294, s. 68,
subs. 1,
amended.

- 12.** Subsection 1 of section 68 of *The Liquor Control Act* is amended by striking out the words "or light beer" where they occur in the first and tenth lines.

Rev. Stat.,
c. 294, s. 69,
subs. 1,
amended.

- 13.—**(1) Subsection 1 of section 69 of *The Liquor Control Act* is amended by striking out the words "and the regulations in the manner herein provided" in the last line and inserting in lieu thereof the words "or *The Liquor Authority Control Act, 1944*, or the regulations hereunder or thereunder", so that the said subsection shall now read as follows:

Local option
by-laws.

- (1) Except as provided by this Act and the regulations, no Government store shall be established by the Board for the sale of liquor, and beer and wine shall not be sold in any municipality or portion of a municipality in which at the time of the coming into

force of *The Ontario Temperance Act* a by-law passed 1916, c. 50.
 under *The Liquor License Act* or under any other R.S.O. 1914,
 Act, was in force prohibiting the sale of liquor by c. 215.
 retail unless and until a vote has been taken to
 establish Government stores or for the sale of beer
 and wine under the provisions of this Act or *The* 1944, c.
Liquor Authority Control Act, 1944, or the regula-
 tions hereunder or thereunder.

(2) Subsection 2 of 69 of *The Liquor Control Act* is repealed Rev. Stat.,
 and the following substituted therefor: c. 294, s. 69,
 subs. 2,
 re-enacted.

(2) The council of any municipality in which such by-law Submission
 was in force may submit to a vote of the persons of question.
 qualified to be entered on the voters' list and to vote
 at elections to the Assembly in the municipality,
 one of the following questions:

(a) Are you in favour of the establishment of
 Government stores for the sale of liquor under
The Liquor Control Act?

or

(b) Are you in favour of the sale of beer and wine
 under the provisions of *The Liquor Authority
 Control Act, 1944*?

and if a petition in writing signed by at least twenty-
 five per centum of the total number of persons appear-
 ing by the last revised list of the municipality to be
 resident in the municipality and qualified to vote at
 elections to the Assembly, requesting the council to
 submit either of the said questions, is filed with the
 clerk of the municipality and with the Board, it shall
 be the duty of the council to submit such question
 and no other to a vote of the electors, and if three-
 fifths of the electors voting upon the said question
 vote in the affirmative thereon, it shall be lawful to
 establish Government stores in the municipality for
 the sale of liquor and it shall be lawful for The
 Liquor Authority Control Board to authorize the
 sale of beer and wine in such municipality, as the
 case may be, until another vote is taken as here-
 inafter provided.

(i) Not more than one of such questions shall be
 submitted to the electors of any municipality
 at one time; and

- (ii) Where petitions are presented praying for the submission of different questions, the question to be submitted shall be that asked for in the first petition filed.

Rev. Stat.,
c. 294, s. 69,
subs. 3,
re-enacted.

- (3) Subsection 3 of the said section 69 is repealed and the following substituted therefor:

Submission
of question
of continu-
ance of
stores and
sale of beer
and wine.

- (3) Where a Government store or stores has or have been established or where the sale of beer and wine is authorized in any municipality, the council may, as provided in subsection 2, and subject to the same provisions and on petition as in the case provided for by the said subsection, shall submit to the electors in the same manner, whichever of the following questions may be applicable under the existing circumstances:

- (a) Are you in favour of the continuance of Government stores for the sale of liquor under *The Liquor Control Act*?

or

- (b) Are you in favour of the continuance of the sale of beer and wine under the provisions of *The Liquor Authority Control Act, 1944*?

and if three-fifths of the electors voting on the said question vote in the negative, from and after the 31st day of March in the next following year, any Government store established in the municipality shall be closed, or the sale of beer and wine upon authorized premises shall be discontinued, as the case may be, according to which of the said questions was submitted.

Rev. Stat.,
c. 294, s. 69,
subs. 19,
amended.

- (4) The question on ballot number 2 in subsection 19 of the said section 69 is amended by striking out the words "*The Liquor Control Act*" and inserting in lieu thereof the words "*The Liquor Authority Control Act, 1944*" so that the said question shall now read as follows:

Are you in favour of the sale of beer and wine under the provisions of *The Liquor Authority Control Act, 1944*?

Rev. Stat.,
c. 294, s. 69,
subs. 19,
amended.

- (5) The question on ballot number 4 in subsection 19 of the said section 69 is amended by striking out the words "*The Liquor Control Act*" and inserting in lieu thereof the

words "*The Liquor Authority Control Act, 1944*" so that the said question shall now read as follows:

Are you in favour of the continuance of the sale of beer and wine under the provisions of *The Liquor Authority Control Act, 1944*?

(6) Subsection 20 of the said section 69 is repealed.

Rev. Stat.,
c. 294, s. 69,
subs. 20,
repealed.

14. Sections 70 to 85 of *The Liquor Control Act*, section 86a of the said Act as enacted by section 2 of *The Liquor Control Amendment Act, 1942*, and the titles and headings preceding sections 70 and 85 respectively are repealed.

Rev. Stat.,
c. 294,
ss. 70-85,
86a (1942,
c. 25, s. 2)
titles and
headings,
repealed.

15. Section 93 of *The Liquor Control Act* is amended by inserting after the word "Act" in the first line the words "or *The Liquor Authority Control Act, 1944*, or the regulations hereunder or thereunder", so that the said section shall now read as follows:

Rev. Stat.,
c. 294, s. 93,
amended.

93. Except as provided by this Act or *The Liquor Authority Control Act, 1944*, or the regulations hereunder or thereunder, no person within the Province of Ontario shall consume any liquor on any premises where liquor is kept for sale.

Consump-
tion of liquor
prohibited.
1944, c. 00

16. Section 94 of *The Liquor Control Act* is amended by striking out the words "and the regulations" in the first line and inserting in lieu thereof the words "or *The Liquor Authority Control Act, 1944*, or the regulations hereunder or thereunder", so that the said section shall now read as follows:

Rev. Stat.,
c. 294, s. 94,
amended.

94. Except as provided by this Act or *The Liquor Authority Control Act, 1944*, or the regulations hereunder or thereunder, no person shall consume liquor within Ontario unless the same has been acquired under the authority of a permit or prescription issued under this Act, or is had or kept with the permission of the Board, and unless the package in which the liquor is contained and from which it is taken for consumption has, while containing that liquor, been sealed with the official seal prescribed under this Act and the regulations.

Liquor
which may
be con-
sumed.
1944, c. 00

17. Subsection 1 of section 96 of *The Liquor Control Act* is amended by striking out the words "regulations made" in the second line and inserting in lieu thereof the words "*The Liquor Authority Control Act, 1944*, or the regulations made hereunder or", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 294, s. 96,
subs. 1,
amended.

Consumption elsewhere than in residence.

1944, c. 00.

- (1) Except as expressly provided by this Act or *The Liquor Authority Control Act, 1944*, or the regulations made hereunder or thereunder, no person shall consume liquor in any place other than a residence.

Rev. Stat., c. 294, s. 98, subs. 1, re-enacted.

- 18.** Subsection 1 of section 98 of *The Liquor Control Act* is repealed and the following substituted therefor:

Minors.

- (1) No person shall knowingly sell or supply liquor to a person under the age of twenty-one years.

Idem.

- (1a) No liquor shall be sold to a person who is apparently under the age of twenty-one years and in any prosecution for a violation of this subsection the justice shall determine from the appearance of any such person and other relevant circumstances whether he is apparently under the age of twenty-one years.

Rev. Stat., c. 294, s. 101, amended.

- 19.** Section 101 of *The Liquor Control Act* is amended by striking out the words "procure for or sell" in the fourth line and inserting in lieu thereof the words "knowingly procure for, sell", so that the said section shall now read as follows:

Supply of liquor to interdicted person.

101. Except in the case of liquor supplied to an interdicted person upon the prescription of a physician, or administered to him by a physician or dentist pursuant to this Act, no person shall knowingly procure for, sell or give, to any interdicted person, any liquor, nor directly or indirectly assist in procuring or supplying any liquor to any interdicted person.

Rev. Stat., c. 294, s. 107, subs. 1, amended.

- 20.** Subsection 1 of section 107 of *The Liquor Control Act* is amended by striking out the words "and the regulations" in the first and second lines and inserting in lieu thereof the words "or *The Liquor Authority Control Act, 1944*, or the regulations hereunder or thereunder", so that the said subsection shall now read as follows:

Hotels.

- (1) Except as provided by this Act, or *The Liquor Authority Control Act, 1944*, or the regulations hereunder or thereunder and except in the case of liquor kept and consumed pursuant to a special permit granted under the provisions of section 38 of this Act, no person,—

- (a) shall keep or consume liquor in any part of a hotel other than a private guest room;
- (b) shall keep or have any liquor in any room in a hotel unless he is a *bona fide* guest of the hotel and is duly registered in the office of the hotel

as an occupant of that room and has baggage and personal effects belonging to him in the hotel.

21. Section 119 of *The Liquor Control Act* as amended by Rev. Stat., c. 294, s. 119, section 7 of *The Liquor Control Amendment Act, 1942*, is amended further amended by striking out the word "knowingly" in the first line, so that the said section shall now read as follows:

119. Every person who violates any provision of subsection 1 of section 98 or section 101 shall for the first offence be imprisoned for not less than one month, nor more than three months, and for a second or subsequent offence, be imprisoned for not less than four months, nor more than twelve months. Sale to minors and interdicted persons.

22.—(1) Subsection 2a of section 120 of *The Liquor Control Act* as enacted by section 8 of *The Liquor Control Amendment Act, 1942*, is amended by striking out the words and figures "subsection 4 of section 79" in the second line and by inserting after the word "subsection" in the third line the figure, letter and word "1a or", so that the said subsection shall now read as follows: Rev. Stat., c. 294, s. 120, subs. 2a, (1942, c. 25, s. 8), amended.

(2a) Every person who violates any of the provisions of subsection 2 of section 89a or subsection 1a or 2 of section 98 shall be liable for a first offence to a fine of not less than \$10 nor more than \$500 and in default of immediate payment shall be imprisoned for a period not exceeding two months, or to imprisonment for a period not exceeding thirty days, or to both fine and imprisonment, and for a second or subsequent offence to imprisonment for a period not exceeding three months. Penalty.

(2) Subsection 3 of the said section 120 as amended by subsection 2 of section 16 of *The Statute Law Amendment Act, 1940*, is further amended by striking out the words and figures "108 or subsection 4 of section 125" in the third line and inserting in lieu thereof the word and figures "or 108", so that the said subsection shall now read as follows: Rev. Stat., c. 294, s. 120, subs. 3, amended.

(3) Everyone who violates any of the provisions of sections 35, 36, 57, 59, 60, 61, subsection 2 of section 87 or sections 99, 104, 106, 107 or 108 shall be liable, for a first offence, to a fine of not less than \$100 nor more than \$1,000, and in default of immediate payment shall be imprisoned for a period of three months and for a second or subsequent offence, to imprisonment for three months. Penalties.

Rev. Stat., c. 294, s. 125, sub. 4, re-enacted. **23.** Subsection 4 of section 125 of *The Liquor Control Act* is repealed and the following substituted therefor:

Seizure of permit, etc., without warrant.

1944, c. 00.

- (4) A police officer or constable may without a warrant, seize from any person or corporation, any permit, license or authority, issued under this Act or under *The Liquor Authority Control Act, 1944*, and the regulations made thereunder.

Rev. Stat., c. 294, s. 158, repealed.

24. Section 158 of *The Liquor Control Act* is repealed.

Rev. Stat., c. 294, amended.

25. *The Liquor Control Act* is amended by adding thereto the following sections:

Member of forces.

162. For the purposes of this Act, a member of the naval, military or air forces of Canada, who having been placed on active service or called out for training, service or duty, is serving in any of such forces shall be deemed to be twenty-one years of age or over.

Remission to municipalities.

163. The Board may remit to any municipality in which authorities have been issued, such portion of the fees received in respect thereof as may be fixed by the Lieutenant-Governor in Council.

Effect of 1944, c. 00.

164. The provisions of this Act relating to the sale, purchase, having, supplying, serving and consuming of beer and wine shall be read and construed subject to the provisions of *The Liquor Authority Control Act, 1944*.

Commencement of Act.

26. This Act shall come into force on a day to be named by the Lieutenant-Governor by his proclamation.

Short title.

27. This Act may be cited as *The Liquor Control Amendment Act, 1944*.

1st Reading

March 17th, 1944

2nd Reading

March 24th, 1944

3rd Reading

March 30th, 1944

MR. BLACKWELL

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to respecting Slot Machines.

MR. BLACKWELL

BILL

An Act respecting Slot Machines.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation,—
"slot machine".

1. In this Act "slot machine" shall mean any automatically or mechanically, or automatically and mechanically operated contrivance or device which, upon or subsequently to the insertion therein or in a slot or receptacle thereof of any money, coin, token, counter, disk, slug or other substance and upon or without the operation of any handle, lever, plunger or other attachment thereof delivers or returns or purports to deliver or return to any person, either with or without any article of merchandise or any goods, any money, premium, prize, reward, token, counter, disc, slug or anything which is capable of being exchanged for money or money's worth or which may be replayed or reinserted in such contrivance or device to again set it in operation, and shall include any machine apparently designed for any such purpose, notwithstanding that such machine is for any reason incapable of being so operated.

No ownership.

2. No slot machine shall be capable of ownership or be the subject of property rights and no court of civil jurisdiction shall recognize or give effect to any alleged ownership of or property rights in any slot machine.

Search of premises.

3.—(1) Any police officer or police constable may at any time without warrant enter and search in any premises or place, other than a dwelling house, in or on which he has reason to believe that a slot machine is kept or operated.

Search of dwelling house.

(2) Upon information on oath by a police officer or police constable that he has reasonable grounds for believing that a slot machine is kept in any dwelling house, any justice of the peace may by warrant under his hand authorize and empower the police officer or police constable to enter and search the dwelling house and every part thereof, and for that purpose to break down any door, lock or fastening, and it shall not be

EXPLANATORY NOTE

The Bill defines "slot machine" to include the various types of contrivances which are capable of being used for gambling purposes, and declares that no such machine shall be capable of ownership. Provision is made for the seizure and confiscation of such machines. The sections are self-explanatory.

necessary to certify in the information the grounds for believing that a slot machine is being so kept.

Seizure.

4.—(1) Every police officer or police constable who finds a slot machine shall seize it and all money therein and bring such slot machine and money before a justice of the peace who shall thereupon issue a summons addressed to the person in whose apparent possession the slot machine was at the time of the seizure, requiring him at the time and place named therein to appear before a magistrate and show cause why the slot machine should not be confiscated.

Order of
confiscation.

(2) Upon the return of the summons and,

(a) upon hearing such representations as may be made and such evidence as he may deem proper; or

(b) upon the default of appearance of the person summoned,

unless the magistrate is satisfied that the machine is not a slot machine, he shall order that it and all money therein be confiscated to His Majesty in right of Ontario.

Disposal.

(3) Any slot machine and the money therein confiscated under this Act shall be disposed of as the Attorney-General may direct.

Short title.

5. This Act may be cited as *The Slot Machine Act, 1944*.

1st Reading

March 17th, 1944

2nd Reading

3rd Reading

MR. BLACKWELL

No. 63

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act respecting Slot Machines.

MR. BLACKWELL

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting Slot Machines.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpreta-
tion.—
“slot
machine”.

1. In this Act “slot machine” shall mean any automatically or mechanically, or automatically and mechanically operated contrivance or device which, upon or subsequently to the insertion therein or in a slot or receptacle thereof of any money, coin, token, counter, disk, slug or other substance and upon or without the operation of any handle, lever, plunger or other attachment thereof delivers or returns or purports to deliver or return to any person, either with or without any article of merchandise or any goods, any money, premium, prize, reward, token, counter, disc, slug or anything which is capable of being exchanged for money or money's worth or which may be replayed or reinserted in such contrivance or device to again set it in operation, and shall include any machine apparently designed for any such purpose, notwithstanding that such machine is for any reason incapable of being so operated but shall not include,—

- (a) a contrivance or device which vends goods or services at the normal price thereof upon the insertion of a coin or coins and which,—
 - (i) upon failure to supply the goods or services returns such coin or coins; or
 - (ii) delivers with the goods or services a coin or coins representing the difference between the normal value of the goods or services and the value of the coin or coins inserted; or
- (b) a contrivance or device used by a cashier for facilitating the making of change.

2. No slot machine shall be capable of ownership or be the subject of property rights and no court of civil jurisdiction shall recognize or give effect to any alleged ownership of or property rights in any slot machine. ^{No ownership.}

3.—(1) Any police officer or police constable may at any time without warrant enter and search in any premises or place, other than a dwelling house, in or on which he has reason to believe that a slot machine is kept or operated. ^{Search of premises.}

(2) Upon information on oath by a police officer or police constable that he has reasonable grounds for believing that a slot machine is kept in any dwelling house, any justice of the peace may by warrant under his hand authorize and empower the police officer or police constable to enter and search the dwelling house and every part thereof, and for that purpose to break down any door, lock or fastening, and it shall not be necessary to certify in the information the grounds for believing that a slot machine is being so kept. ^{Search of dwelling house.}

4.—(1) Every police officer or police constable who finds a slot machine shall seize it and all money therein and bring such slot machine and money before a justice of the peace who shall thereupon issue a summons addressed to the person in whose apparent possession the slot machine was at the time of the seizure, requiring him at the time and place named therein to appear before a magistrate and show cause why the slot machine should not be confiscated. ^{Seizure.}

(2) Upon the return of the summons and, ^{Order of confiscation.}

(a) upon hearing such representations as may be made and such evidence as he may deem proper; or

(b) upon the default of appearance of the person summoned,

unless the magistrate is satisfied that the machine is not a slot machine, he shall order that it and all money therein be confiscated to His Majesty in right of Ontario.

(3) Any slot machine and the money therein confiscated under this Act shall be disposed of as the Attorney-General may direct. ^{Disposal.}

5. A police officer or police constable who has seized any machine pursuant to this Act or any person who claims to be the owner of a machine which a magistrate has ordered to be confiscated under this Act may appeal from the decision or order of the magistrate made with regard to such machine to the county or district court of the county or district in which ^{Appeal.}

the machine was seized and the provisions of *The Summary Convictions Act* relating to appeals shall apply *mutatis mutandis*.

Short title.

6. This Act may be cited as *The Slot Machine Act, 1944*.



1st Reading

March 17th, 1944

2nd Reading

March 24th, 1944

3rd Reading

March 30th, 1944

MR. BLACKWELL

No. 64

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Factory, Shop and Office Building Act.

MR. DALEY

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Factory, Shop and Office Building Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 194, s. 1,
cl. a,
amended.

1.—(1) Clause *a* of section 1 of *The Factory, Shop and Office Building Act* is amended by striking out the words "or sale" in the third line, so that the said clause shall now read as follows:

"Bakeshop".

(a) "Bakeshop" shall mean any building, premises, workshop, structure, room or place wherein is carried on the manufacture of confectionery, or of bread, biscuits, cakes or any other food product made from flour, or from meal or from both, in whole or in part, and shall include any room or rooms used for storing the confectionery, bread, biscuits, cakes and other food products and materials.

Rev. Stat.,
c. 194, s. 1,
amended.

(2) The said section 1 is amended by adding thereto the following clause:

"Bodily injury".

(aa) "Bodily injury" shall include injury to health.

Rev. Stat.,
c. 194,
s. 1, cl. e,
subcl. iii,
re-enacted.

(3) Subclause iii of clause *e* of the said section 1 is repealed and the following substituted therefor:

(iii) any building, workshop, structure, premises, room or place wherein the employer of the persons working there has the right of access and control, and in which or within the precincts of which any manual labour is exercised by way of trade or for purposes of gain in or incidental to the making of any goods, substance, article or thing or any part thereof, or the altering, repairing, ornamenting, finishing, storing, cleaning, washing or adapting for sale of any goods, substance, article or thing and shall include a plant used for the maintenance of aircraft, locomotives and vehicles used for transport purposes.

EXPLANATORY NOTES

The Factory Shop and Office Building Act is revised in several respects to bring it into line with modern conditions and demands.

SECTION 1—Subsection 1. The definition of “bakeshop” is amended to exclude shops where no baking is performed.

Subsection 2. The definition of “bodily injury” is extended to include injury to health. In this connection see section 16 of this Bill.

Subsection 3. The definition of “factory” is extended to include places where goods are stored, cleaned and washed and also plants which are used for the maintenance of aircraft, locomotives and other vehicles used for transport purposes.

Rev. Stat.,
c. 194, s. 1,
cl. o,
amended.

(4) Clause o of the said section 1 is amended by adding at the end thereof the words "and shall include a bowling alley, pool room and billiard parlour", so that the said clause shall now read as follows:

"Shop".

(o) "Shop" shall mean any building or a portion of a building, booth, stall or place where goods are handled or exposed or offered for sale, and any such building or portion of a building, booth, stall or place where services are offered for sale or where goods are manufactured and which is not a factory to which this Act applies, and shall include a bowling alley, pool room and billiard parlour.

Rev. Stat.,
c. 194, s. 13,
re-enacted.

2. Section 13 of *The Factory, Shop and Office Building Act* is repealed and the following substituted therefor:

Plans to
be sub-
mitted.

13.—(1) Before commencing the erection of any building or the alteration of any existing building which it is intended to use as a factory, or where the building or proposed building is over two storeys in height and is intended to be used as a shop, bakeshop, restaurant or office building, the owner shall submit to the Chief Inspector drawings and specifications, in duplicate, of such building or of the proposed alterations thereto and the Chief Inspector shall examine them and if they comply with the requirements of this Act and the regulations he shall certify his approval thereon and the owner shall proceed with the erection or alterations only in accordance with the drawings and specifications as so certified.

Sufficiency
of plans.

(2) The drawings and specifications shall be sufficient to enable the Chief Inspector to obtain full and complete information as to the extent and character of the proposed work and one copy shall be returned to the owner and the other shall be retained in the Department of Labour.

Penalty.

(3) Any person who contravenes any of the provisions of this section shall incur a penalty of not less than \$20 nor more than \$200 and in default of payment thereof shall be liable to imprisonment for a period of not more than twelve months.

Rev. Stat.,
c. 194, s. 16,
re-enacted.

3. Section 16 of *The Factory, Shop and Office Building Act* is repealed and the following substituted therefor:

Appoint-
ment of
inspectors
and Chief
Inspector.

16. The Lieutenant-Governor in Council may for the purpose of carrying out this Part appoint as many inspectors, male or female, as may be deemed neces-

Subsection 4. The definition of "shop" is extended to include bowling alleys, pool rooms and billiard parlors.

SECTION 2. The requirements of the Act relating to the approval of plans for the erection or alteration of buildings used for certain industrial and like purposes are revised and clarified.

SECTIONS 3 and 4. Section 16 of the Act is recast as two sections so as to clarify the present general provisions relating to the making of regulations.

sary, one of whom he may designate as Chief Inspector who shall have the general supervision and direction of the other inspectors and the carrying out of the provisions of this Part.

Rev. Stat.,
c. 194,
amended. 4. *The Factory, Shop and Office Building Act* is amended by adding thereto the following section:

Regulations. 16a. The Lieutenant-Governor in Council may make regulations,—

- (a) prescribing the nature of drawings and specifications to be submitted under this Act or the regulations and by whom such drawings and specifications shall be prepared or certified;
- (b) prescribing fees payable upon the approval of drawings and specifications by the Chief Inspector;
- (c) for the protection of the health, safety and welfare of persons employed in any factory, shop, bakeshop, restaurant or office building; and
- (d) for the better carrying out of the provisions of this Part.

Rev. Stat.,
c. 194, s. 34,
re-enacted. 5. Section 34 of *The Factory, Shop and Office Building Act* is repealed and the following substituted therefor:

34.—(1) In every factory or shop the employer shall,—

Meals where
manufacturing
going on.

- (a) if the inspector so directs in writing, prohibit any person from taking meals in any room in which any manufacturing process is being carried on;

Eating
rooms.

- (b) if thirty-five or more females are employed, or if the inspector so directs in writing, provide a room, together with the necessary equipment in the factory or shop or the precincts thereof, satisfactory to the inspector for the purposes of an eating room for persons employed in the factory or shop, and no part of the expense of providing such room and equipment shall be payable by or chargeable to the wages of the employees.

Food and
drinking
water.

- (2) In a factory or shop no person shall take or be allowed to take food into any room where paint, varnish, dye, white lead, arsenic or any other poisonous substance is exposed, or where deleterious

SECTION 5. The provisions of the Act relating to places where meals may be eaten by employees are amended so as to be applicable to all employees instead of being confined in their application to youths, young girls and women. Section 34 as recast includes provisions which are now included in sections 34 and 38.

fumes, dust or gasses are known to be present, and drinking water in any such room shall be taken directly from a tap or suitably closed receptacle.

Rev. Stat.,
c. 194, s. 38,
subs. 1,
re-enacted.

6.—(1) Subsection 1 of section 38 of *The Factory, Shop and Office Building Act* is repealed and the following substituted therefor:

Rest rooms.

(1) In a factory, shop, bakeshop, restaurant or office, the employer shall provide,—

(a) where ten or more females are employed, a rest room or other space affording reasonable privacy, together with one or more couches or cots, and chairs, satisfactory to the inspector; and

Matron.

(b) where thirty-five or more females are employed, or when deemed necessary by the inspector, a matron or female supervisor to have charge of the welfare of the female employees.

Rev. Stat.,
c. 194, s. 38,
subs. 2,
amended.

(2) Subsection 2 of the said section 38 is amended by inserting after the figure “1” in the first line the words “or any part thereof”, so that the said subsection shall now read as follows:

Exemptions.

(2) Subsection 1 or any part thereof shall not apply to any case where, owing to the nature of the occupation or for other reasons, the Chief Inspector dispenses with compliance therewith in writing signed by him.

Rev. Stat.,
c. 194, s. 39,
subs. 1, cl. a,
re-enacted.

7. Clause *a* of subsection 1 of section 39 of *The Factory, Shop and Office Building Act* is repealed and the following substituted therefor:

Toilet
rooms.

(a) provide toilet rooms for male and female employees with separate approaches thereto and clearly painted signs indicating for which sex the toilet rooms are provided, and such toilet rooms shall be equipped with one water-closet and one urinal for every twenty-five male employees and one water-closet for every fifteen female employees and every such water-closet shall be separated from the others by partitions, but where a municipal water supply is not available sanitary privies, chemical or other type of closets suitable to the inspector, may be substituted for water-closets;

Wash
rooms.

(aa) provide separate wash rooms for male and female employees with separate approaches thereto and

SECTION 6—Subsection 1. Provision is made for rest rooms for female employees. The provision for a matron is now contained in section 38 which section is in part recast and included in the new section 34 as re-enacted by section 5 of this Bill.

Subsection 2. The words "or any part thereof" are added to subsection 2 of section 38 and the effect is self-explanatory.

SECTION 7. The provisions relating to the furnishing of toilet facilities in factories, shops, bakeshops, restaurants and office buildings are recast in the light of modern conditions.

of the persons employed therein, the standard to be allowed being three hundred cubic feet of room space for each employee;

Towels,
soap and
conveni-
ences.

- (f) provide and maintain for the use of the employees a convenient and sufficient supply of individual clean towels, soap, toilet paper and in each toilet room used by females a suitable covered receptacle;

Damp floors.

- (g) if the manufacturing process carried on in any part of the premises renders the floor liable to be wet to such an extent that the health of any person employed therein is likely to be endangered, see that adequate means are provided for the proper draining of such floors;

Drinking
water.

- (h) provide a satisfactory supply of safe drinking water and such supply of drinking water shall be, when not taken directly from a water-pipe, contained in a suitable covered vessel having a drain faucet, and shall be renewed at least daily, and the employer shall provide, except when the water is delivered in an upward jet from which the employees can conveniently drink, a sufficient supply of individual drinking cups, and the faucet or jet for such drinking water shall be at least eight feet distant from any closet or urinal; and

Accommoda-
tion for
clothing.

- (i) provide suitable accommodation for clothing not worn by employees during working hours and for work clothes which must be dried or be cleaned or be kept separate from street clothes due to the presence of poisonous, infectious or irritating materials.

Rev. Stat.,
c. 194, s. 41,
subs. 2,
re-enacted.

(2) Subsection 2 of the said section 41 is repealed and the following substituted therefor:

Showers
and wash-
basins.

- (2) The employer of every foundry and other factory wherein the health of the employees, in the opinion of the inspector, is likely to be endangered by the presence of poisonous, irritating or infectious materials or gasses or by extremes of temperature or humidity shall provide such shower baths and wash basins, in addition to those required under section 39, supplied with sufficient hot and cold water as the inspector may deem necessary.

Subsection 2. Subsection 2 of section 41 of the Act is obsolete and is replaced by a provision requiring showers and wash basins to be provided in certain situations.

clearly painted signs indicating for which sex the rooms are provided and they shall be equipped with wash basins or equivalent washing facilities satisfactory to the inspector, connected to a source of hot and cold water with one wash basin or the equivalent for every fifteen employees.

Rev. Stat.,
c. 194, s. 41,
subs. 1,
re-enacted.

8.—(1) Subsection 1 of section 41 of *The Factory, Shop and Office Building Act* is repealed and the following substituted therefor:

Sanitary
require-
ments.

(1) The employer of every factory, shop, bakeshop or restaurant shall,—

Removal
of refuse.

(a) keep it in a clean and sanitary condition and free from any effluvia arising from refuse of any kind, and remove, at least daily, by a suitable method, all accumulations of dirt and refuse from the floors, work tables, passages and stairways, and keep all windows and skylights, as far as practicable, clean on both the inner and outer surfaces and free from obstructions;

Cleanliness
of wash-
rooms.

(b) keep toilet rooms and washrooms, water-closets, urinals or other sanitary conveniences in good repair and in a sanitary condition, and keep closets separated for male and female employees and provide conveniences to the satisfaction of the inspector for the employees using them;

Tempera-
ture.

(c) heat the premises throughout and regulate the temperature so as to be suitable for the work to be performed therein, and not to be injurious to the health or comfort of the employees, but in no case shall the temperature be less than sixty-eight degrees Fahrenheit unless authorized by the inspector in writing;

Ventilation.

(d) ventilate the factory, shop, bakeshop or restaurant in such a manner as to keep the air reasonably pure and so as to render harmless, as far as reasonably practicable, all gasses, vapours, dust or other impurities generated in the course of any manufacturing process or handicraft carried on therein that may be injurious to health;

Over-
crowding.

(e) not allow overcrowding while work is carried on therein so as to be injurious to the health

SECTION 8—Subsection 1. Subsection 1 of section 41 of the Act which prescribes sanitary requirements for factories, shops and restaurants is extended to include bakeshops and the detailed requirements as set out in the various clauses are revised and extended in the light of modern conditions.

Rev. Stat.,
c. 194, s. 41,
subs. 7,
re-enacted.

(3) Subsection 7 of the said section 41 is repealed and the following substituted therefor:

Regulations
re first aid
facilities.

(7) The Lieutenant-Governor in Council may make regulations requiring the employer of a factory, shop, bakeshop, restaurant or office to provide at his own expense a suitable room or rooms with adequate equipment and supplies for rendering first aid in accidents and sickness and for the supervision of the general health of the employees during working hours.

Rev. Stat.,
c. 194, s. 42,
subs. 1, cl. c,
re-enacted.

9.—(1) Clause *c* of subsection 1 of section 42 of *The Factory, Shop and Office Building Act* is repealed and the following substituted therefor:

(c) provide and maintain for the use of persons employed therein the conveniences indicated in clauses *f* and *h* of subsection 1 of section 41.

Rev. Stat.,
c. 194, s. 42,
subs. 2,
amended.

(2) Subsection 2 of the said section 42 is amended by striking out the words "privies, closets or" in the first line and inserting in lieu thereof the word "water-closets", so that the said subsection shall now read as follows:

Office
building.

(2) Where in any office building the water-closets, urinals or other conveniences are not situate in that part of the building occupied by and under the control of an employer it shall be the duty of the owner, and where such conveniences are situate in that part of the building occupied by and under the control of a separate employer, it shall be the duty of such employer to keep the same in good repair and in a sanitary condition.

Conveni-
ences.

Rev. Stat.,
c. 194, s. 50,
subs. 1,
re-enacted.

10. Subsection 1 of section 50 of *The Factory, Shop and Office Building Act* is repealed and the following substituted therefore:

Female
employees
to wear
caps.

(1) Young girls and women in a factory shall during working hours wear a close-fitting cap or other suitable headgear which shall entirely confine their hair so as to avoid contact with machinery, shafting, belting or any material being handled.

Rev. Stat.,
c. 194, s. 51,
re-enacted.

11. Section 51 of *The Factory, Shop and Office Building Act* is repealed and the following substituted therefor:

Youths,
young girls
and women
around
dangerous
machinery.

51.—(1) No youth, young girl or woman shall be allowed by the employer of a factory, shop or bakeshop,—

Subsection 3. Subsection 7 of section 41 of the Act which deals generally with the making of regulations is replaced by a subsection authorizing the Lieutenant-Governor to make regulations with regard to the supply of first aid rooms and facilities.

SECTION 9—Subsection 1. Subsection 1 of Section 42 of the Act is amended to require employers of offices to supply towels, soap, toilet paper and drinking water facilities.

Subsection 2. The section is amended to bring it in line with modern conditions.

SECTION 10. Subsection 1 of section 50 which permits girls and women in factories to wear their hair rolled or plaited or fastened securely to their heads or confined in a close-fitting cap or net is amended to require the hair to be worn in a close-fitting cap or other suitable headgear.

SECTION 11. Section 51 is amended so that the entire section applies to youths, young girls and women. At present part of it applies only to young girls. The section is recast to require adequate instruction and adequate supervision to be provided in the operation of machinery. The effect of subsection 2 of section 51 is that where the provisions of subsection 1 are violated the person responsible for the violation would be guilty of a violation of section 70 of the Act which provides for a penalty of \$50 to \$500.

- (a) to clean any part of the machinery in a factory which is mill-gearing while the machinery is in motion;
- (b) to work between the fixed and traversing part of any self-acting machine while the machine is in motion;
- (c) to work at any machine without first having received adequate instruction upon its operation and any dangers connected therewith; or
- (d) to work at any machine without adequate supervision by a person having thorough knowledge of and experience with the machine.

Contra-
vention.

- (2) Any factory, shop or bakeshop in which a youth, young girl or woman is allowed to clean or work in contravention of this section shall be deemed to be kept so that the safety of persons employed therein is endangered.

Rev. Stat.,
c. 194,
amended.

12. *The Factory, Shop and Office Building Act* is amended by adding thereto the following section:

Intoxicated
persons.

- 51a. No person under the influence of or having in his possession any intoxicating liquor shall enter or be in any factory.

Rev. Stat.,
c. 194, s. 53,
subs. 2,
re-enacted.

13. Subsection 2 of section 53 of *The Factory, Shop and Office Building Act* is repealed and the following substituted therefor:

Dangerous
fumes;
extreme
tempera-
tures.

- (2) No person shall be allowed to enter a tank, chamber, pit, pipe, flue or other confined space in which dangerous fumes, dusts or extreme temperatures are liable to be present in any factory unless,—
- (a) such confined space has a manhole or other means to easy egress and has been thoroughly ventilated and tested to be safe for entry;
 - (b) such person is wearing suitable breathing apparatus and a belt to which there is securely attached a rope the free end of which is held by a person outside the confined space;
 - (c) when deemed necessary by the inspector, there is conveniently available suitable reviving apparatus and a person trained in the operation thereof;

SECTION 12. Self-explanatory.

SECTION 13. Subsection 2 of Section 53 of the Act which provides for the making of regulations is no longer necessary in view of section 16a as enacted by section 4 of this Bill, and is accordingly repealed. It is replaced by a provision, the purpose of which is to protect persons entering confined spaces where dangerous fumes or extreme temperatures are liable to be present.

and the belt, rope and other apparatus which is used for such purpose shall be periodically inspected by the employer and maintained in good working order.

Rev. Stat.,
c. 194, s. 56,
subs. 5, cl. f,
amended.

14. Clause *f* of subsection 5 of section 56 of *The Factory, Shop and Office Building Act* is amended by inserting after the word "paid" in the first line the words "by the owner of a boiler or pressure vessel" so that the said clause shall now read as follows:

- (f) fixing the fees or other remuneration to be paid by the owner of a boiler or pressure vessel to an inspector upon inspection.

Rev. Stat.,
c. 194, s. 58,
subss. 1, 2,
re-enacted;
subs. 3,
repealed.

15. Subsections 1, 2 and 3 of section 58 of *The Factory, Shop and Office Building Act* are repealed and the following substituted therefor:

- (1) In every factory, shop, bakeshop, restaurant and office building,—

Prevention
of and pro-
tection from
fire.

- (a) the owner or employer shall provide such equipment, facilities and other means for the prevention and extinguishment of and protection from fire as the Chief Inspector may deem necessary in the circumstances and direct such owner or employer in writing to provide; and

- (b) the owner shall provide such means of egress convenient to and having easy communication with all working rooms as the Chief Inspector may deem necessary including,—

- (i) such tower stairways of fire resistive construction equipped with fire doors approved by the Chief Inspector at each storey including the basement, as the Chief Inspector may direct;

- (ii) such metal or other non-inflammable fire escapes consisting of stairways, with railings, attached to the outside of the building and with landings at each storey connecting directly with the interior of the building through metal or other fire resistive doors or casement windows, as the Chief Inspector may direct; and

SECTION 14. The provision authorizing the making of regulations prescribing the fees or other remuneration to be paid to an inspector upon the inspection of a boiler or pressure vessel is clarified by indicating that the owner of the boiler or pressure vessel is responsible for payment thereof.

SECTION 15. Subsections 1, 2 and 3 of section 58 of the Act which relates to facilities for the prevention and extinguishment of and protection from fire in factories, shops, bake shops, restaurants and office buildings are clarified.

- (iii) such lighting facilities and legible signs to facilitate egress as the Chief Inspector may direct.

Doors to open outwardly.

- (2) In every factory, shop, bakeshop, restaurant or office building in which more than fifteen persons are employed at any time during the year or in which, in the opinion of the inspector the nature of the business carried on may endanger the safety of the employees, every door for the use of the employees shall open outwardly and no door leading to the outside or to any passageway, tower stairway or fire escape shall be obstructed, bolted, barred or locked during any time that employees are in the building.

Rev. Stat.,
c. 194, s. 59,
amended.

16. Section 59 of *The Factory, Shop and Office Building Act* is amended by striking out the words "or accident" in the first line and inserting in lieu thereof the words "accident or industrial disease", and by striking out the words "next after the fire or accident" in the fourth line, so that the said section shall now read as follows:

Notice of
injury to
be given
Chief
Inspector.

59. Where a fire, accident or industrial disease in any factory, shop, bakeshop, restaurant or office building occasions any bodily injury to any person employed therein whereby he is prevented from working for more than six days a notice in the prescribed form shall be sent to the Chief Inspector by the employer forthwith after the expiration of such six days, and if such notice is not so sent the employer shall incur a penalty of not less than \$10 nor more than \$30.

Rev. Stat.,
c. 194, s. 82,
subs. 1, cl. a,
re-enacted.

17. Clause *a* of subsection 1 of section 82 of *The Factory, Shop and Office Building Act*, as amended by subsection 1 of section 10 of *The Statute Law Amendment Act, 1939*, is repealed and the following substituted therefor:

"Shop",
defined.

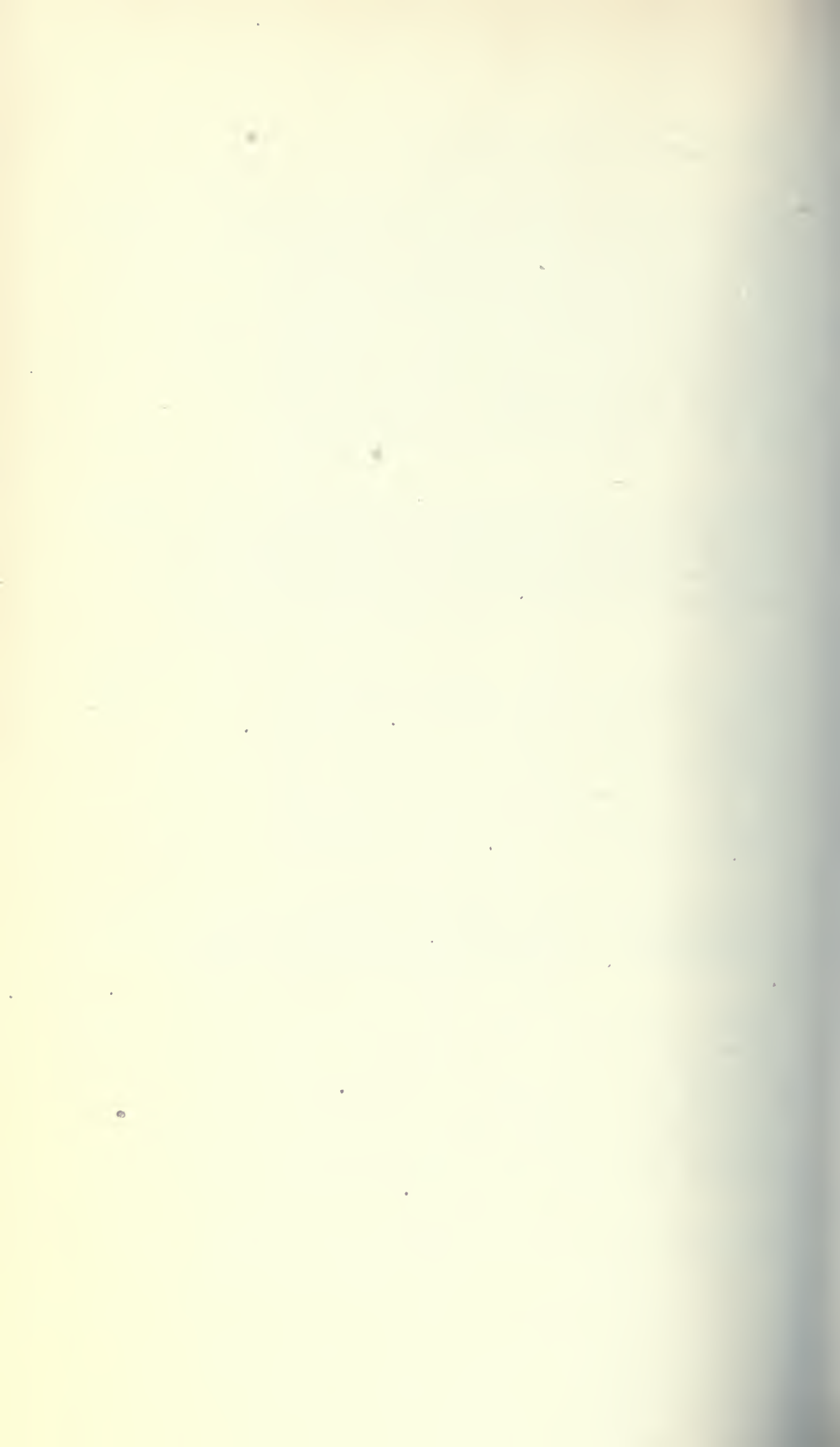
- (a) "Shop" shall mean a building or portion of a building, booth, stall or place where goods are exposed or offered for sale by retail, and barbers' shops, beauty parlours, shoe repair shops, shoe shine shops and hat cleaning and blocking businesses but shall not include a place where the only trade or business carried on is that of a licensed hotel or tavern, victualling house or refreshment house.

Short title.

18. This Act may be cited as *The Factory, Shop and Office Building Amendment Act, 1944*.

SECTION 16. Section 59 of the Act which requires notice to be sent to the Chief Inspector of any absence from work exceeding six days is extended to include absence caused by industrial disease as well as absence caused by an accident and the effect of the amendment is also to make the section applicable for any absence exceeding six days whether or not the days during which the absence occurs are consecutive.

SECTION 17. The definition of "shop" for the purposes of Part II of the Act which relates to early closing by-laws and similar matters is extended to include shoe shine shops and hat cleaning and blocking businesses.



1st Reading

March 23rd, 1944

2nd Reading

3rd Reading

MR. DALEY

No. 64

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Factory, Shop and Office Building Act.

MR. DALEY

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Factory, Shop and Office Building Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 194, s. 1,
cl. a,
amended.

1.—(1) Clause *a* of section 1 of *The Factory, Shop and Office Building Act* is amended by striking out the words “or sale” in the third line, so that the said clause shall now read as follows:

“Bakeshop”.

(a) “Bakeshop” shall mean any building, premises, workshop, structure, room or place wherein is carried on the manufacture of confectionery, or of bread, biscuits, cakes or any other food product made from flour, or from meal or from both, in whole or in part, and shall include any room or rooms used for storing the confectionery, bread, biscuits, cakes and other food products and materials.

Rev. Stat.,
c. 194, s. 1,
amended.

(2) The said section 1 is amended by adding thereto the following clause:

“Bodily injury”.

(aa) “Bodily injury” shall include injury to health.

Rev. Stat.,
c. 194,
s. 1, cl. e,
subcl. iii,
re-enacted.

(3) Subclause iii of clause *e* of the said section 1 is repealed and the following substituted therefor:

(iii) any building, workshop, structure, premises, room or place wherein the employer of the persons working there has the right of access and control, and in which or within the precincts of which any manual labour is exercised by way of trade or for purposes of gain in or incidental to the making of any goods, substance, article or thing or any part thereof, or the altering, repairing, ornamenting, finishing, storing, cleaning, washing or adapting for sale of any goods, substance, article or thing and shall include a plant used for the maintenance of aircraft, locomotives and vehicles used for transport purposes.

(4) Clause *o* of the said section 1 is amended by adding ^{Rev. Stat., c. 194, s. 1, cl. *o*, amended.} at the end thereof the words "and shall include a bowling alley, pool room and billiard parlour", so that the said clause shall now read as follows:

- (*o*) "Shop" shall mean any building or a portion of a "Shop" building, booth, stall or place where goods are handled or exposed or offered for sale, and any such building or portion of a building, booth, stall or place where services are offered for sale or where goods are manufactured and which is not a factory to which this Act applies, and shall include a bowling alley, pool room and billiard parlour.

2. Section 13 of *The Factory, Shop and Office Building Act* ^{Rev. Stat., c. 194, s. 13, re-enacted.} is repealed and the following substituted therefor:

- 13.—(1) Before commencing the erection of any building ^{Plans to be submitted.} or the alteration of any existing building which it is intended to use as a factory, or where the building or proposed building is over two storeys in height and is intended to be used as a shop, bakeshop, restaurant or office building, the owner shall submit to the Chief Inspector drawings and specifications, in duplicate, of such building or of the proposed alterations thereto and the Chief Inspector shall examine them and if they comply with the requirements of this Act and the regulations he shall certify his approval thereon and the owner shall proceed with the erection or alterations only in accordance with the drawings and specifications as so certified.

- (2) The drawings and specifications shall be sufficient ^{Sufficiency of plans.} to enable the Chief Inspector to obtain full and complete information as to the extent and character of the proposed work and one copy shall be returned to the owner and the other shall be retained in the Department of Labour.

- (3) Any person who contravenes any of the provisions ^{Penalty.} of this section shall incur a penalty of not less than \$20 nor more than \$200 and in default of payment thereof shall be liable to imprisonment for a period of not more than twelve months.

3. Section 16 of *The Factory, Shop and Office Building Act* ^{Rev. Stat., c. 194, s. 16, re-enacted.} is repealed and the following substituted therefor:

16. The Lieutenant-Governor in Council may for the ^{Appointment of inspectors and Chief Inspector.} purpose of carrying out this Part appoint as many inspectors, male or female, as may be deemed neces-

sary, one of whom he may designate as Chief Inspector who shall have the general supervision and direction of the other inspectors and the carrying out of the provisions of this Part.

Rev. Stat.,
c. 194,
amended. 4. *The Factory, Shop and Office Building Act* is amended by adding thereto the following section:

Regulations. 16a. The Lieutenant-Governor in Council may make regulations,—

- (a) prescribing the nature of drawings and specifications to be submitted under this Act or the regulations and by whom such drawings and specifications shall be prepared or certified;
- (b) prescribing fees payable upon the approval of drawings and specifications by the Chief Inspector;
- (c) for the protection of the health, safety and welfare of persons employed in any factory, shop, bakeshop, restaurant or office building; and
- (d) for the better carrying out of the provisions of this Part.

Rev. Stat.,
c. 194, s. 34,
re-enacted. 5. Section 34 of *The Factory, Shop and Office Building Act* is repealed and the following substituted therefor:

34.—(1) In every factory or shop the employer shall,—

Meals where
manufacturing
going on.

- (a) if the inspector so directs in writing, prohibit any person from taking meals in any room in which any manufacturing process is being carried on;

Eating
rooms.

- (b) if thirty-five or more females are employed, or if the inspector so directs in writing, provide a room, together with the necessary equipment in the factory or shop or the precincts thereof, satisfactory to the inspector for the purposes of an eating room for persons employed in the factory or shop, and no part of the expense of providing such room and equipment shall be payable by or chargeable to the wages of the employees.

Food and
drinking
water.

- (2) In a factory or shop no person shall take or be allowed to take food into any room where paint, varnish, dye, white lead, arsenic or any other poisonous substance is exposed, or where deleterious

fumes, dust or gasses are known to be present, and drinking water in any such room shall be taken directly from a tap or suitably closed receptacle.

6.—(1) Subsection 1 of section 38 of *The Factory, Shop and Office Building Act* is repealed and the following substituted therefor: Rev. Stat., c. 194, s. 38, subs. 1, re-enacted.

(1) In a factory, shop, bakeshop, restaurant or office, Rest rooms. the employer shall provide,—

(a) where ten or more females are employed, a rest room or other space affording reasonable privacy, together with one or more couches or cots, and chairs, satisfactory to the inspector; and

(b) where thirty-five or more females are employed, or when deemed necessary by the inspector, a matron or female supervisor to have charge of the welfare of the female employees. Matron.

(2) Subsection 2 of the said section 38 is amended by inserting after the figure “1” in the first line the words “or any part thereof”, so that the said subsection shall now read as follows: Rev. Stat., c. 194, s. 38, subs. 2, amended.

(2) Subsection 1 or any part thereof shall not apply to any case where, owing to the nature of the occupation or for other reasons, the Chief Inspector dispenses with compliance therewith in writing signed by him. Exemptions.

7. Clause a of subsection 1 of section 39 of *The Factory, Shop and Office Building Act* is repealed and the following substituted therefor: Rev. Stat., c. 194, s. 39, subs. 1, cl. a, re-enacted.

(a) provide toilet rooms for male and female employees with separate approaches thereto and clearly painted signs indicating for which sex the toilet rooms are provided, and such toilet rooms shall be equipped with one water-closet and one urinal for every twenty-five male employees and one water-closet for every fifteen female employees and every such water-closet shall be separated from the others by partitions, but where a municipal water supply is not available sanitary privies, chemical or other type of closets suitable to the inspector, may be substituted for water-closets; Toilet rooms.

(aa) provide separate wash rooms for male and female employees with separate approaches thereto and Wash rooms.

clearly painted signs indicating for which sex the rooms are provided and they shall be equipped with wash basins or equivalent washing facilities satisfactory to the inspector, connected to a source of hot and cold water with one wash basin or the equivalent for every fifteen employees.

Rev. Stat.,
c. 194, s. 41,
subs. 1,
re-enacted.

8.—(1) Subsection 1 of section 41 of *The Factory, Shop and Office Building Act* is repealed and the following substituted therefor:

Sanitary
require-
ments.

(1) The employer of every factory, shop, bakeshop or restaurant shall,—

Removal
of refuse.

(a) keep it in a clean and sanitary condition and free from any effluvia arising from refuse of any kind, and remove, at least daily, by a suitable method, all accumulations of dirt and refuse from the floors, work tables, passages and stairways, and keep all windows and skylights, as far as practicable, clean on both the inner and outer surfaces and free from obstructions;

Cleanliness
of wash-
rooms.

(b) keep toilet rooms and washrooms, water-closets, urinals or other sanitary conveniences in good repair and in a sanitary condition, and keep closets separated for male and female employees and provide conveniences to the satisfaction of the inspector for the employees using them;

Tempera-
ture.

(c) heat the premises throughout and regulate the temperature so as to be suitable for the work to be performed therein, and not to be injurious to the health or comfort of the employees, but in no case shall the temperature be less than sixty-eight degrees Fahrenheit unless authorized by the inspector in writing;

Ventilation.

(d) ventilate the factory, shop, bakeshop or restaurant in such a manner as to keep the air reasonably pure and so as to render harmless, as far as reasonably practicable, all gasses, vapours, dust or other impurities generated in the course of any manufacturing process or handicraft carried on therein that may be injurious to health;

Over-
crowding.

(e) not allow overcrowding while work is carried on therein so as to be injurious to the health

of the persons employed therein, the standard to be allowed being three hundred cubic feet of room space for each employee;

- (f) provide and maintain for the use of the employees a convenient and sufficient supply of individual clean towels, soap, toilet paper and in each toilet room used by females a suitable covered receptacle; Towels, soap and conveniences.
- (g) if the manufacturing process carried on in any part of the premises renders the floor liable to be wet to such an extent that the health of any person employed therein is likely to be endangered, see that adequate means are provided for the proper draining of such floors; Damp floors.
- (h) provide a satisfactory supply of safe drinking water and such supply of drinking water shall be, when not taken directly from a water-pipe, contained in a suitable covered vessel having a drain faucet, and shall be renewed at least daily, and the employer shall provide, except when the water is delivered in an upward jet from which the employees can conveniently drink, a sufficient supply of individual drinking cups, and the faucet or jet for such drinking water shall be at least eight feet distant from any closet or urinal; and Drinking water.
- (i) provide suitable accommodation for clothing not worn by employees during working hours and for work clothes which must be dried or be cleaned or be kept separate from street clothes due to the presence of poisonous, infectious or irritating materials. Accommodation for clothing.

(2) Subsection 2 of the said section 41 is repealed and the following substituted therefor: Rev. Stat., c. 194, s. 41, subs. 2, re-enacted.

- (2) The employer of every foundry and other factory wherein the health of the employees, in the opinion of the inspector, is likely to be endangered by the presence of poisonous, irritating or infectious materials or gasses or by extremes of temperature or humidity shall provide such shower baths and wash basins, in addition to those required under section 39, supplied with sufficient hot and cold water as the inspector may deem necessary. Showers and wash-basins.

Rev. Stat.,
c. 194, s. 41,
subs. 7,
re-enacted.

(3) Subsection 7 of the said section 41 is repealed and the following substituted therefor:

Regulations
re first aid
facilities.

- (7) The Lieutenant-Governor in Council may make regulations requiring the employer of a factory, shop, bakeshop, restaurant or office to provide at his own expense a suitable room or rooms with adequate equipment and supplies for rendering first aid in accidents and sickness and for the supervision of the general health of the employees during working hours.

Rev. Stat.,
c. 194, s. 42,
subs. 1, cl. c,
re-enacted.

9.—(1) Clause *c* of subsection 1 of section 42 of *The Factory, Shop and Office Building Act* is repealed and the following substituted therefor:

- (c) provide and maintain for the use of persons employed therein the conveniences indicated in clauses *f* and *h* of subsection 1 of section 41.

Rev. Stat.,
c. 194, s. 42,
subs. 2,
amended.

(2) Subsection 2 of the said section 42 is amended by striking out the words "privies, closets or" in the first line and inserting in lieu thereof the word "water-closets", so that the said subsection shall now read as follows:

Office
building.

- (2) Where in any office building the water-closets, urinals or other conveniences are not situate in that part of the building occupied by and under the control of an employer it shall be the duty of the owner, and where such conveniences are situate in that part of the building occupied by and under the control of a separate employer, it shall be the duty of such employer to keep the same in good repair and in a sanitary condition.

Conveni-
ences.

Rev. Stat.,
c. 194, s. 50,
subs. 1,
re-enacted.

10. Subsection 1 of section 50 of *The Factory, Shop and Office Building Act* is repealed and the following substituted therefor:

Female
employees
to wear
caps.

- (1) Young girls and women in a factory shall during working hours wear a close-fitting cap or other suitable headgear which shall entirely confine their hair so as to avoid contact with machinery, shafting, belting or any material being handled.

Rev. Stat.,
c. 194, s. 51,
re-enacted.

11. Section 51 of *The Factory, Shop and Office Building Act* is repealed and the following substituted therefor:

Youths,
young girls
and women
around
dangerous
machinery.

- 51.—(1) No youth, young girl or woman shall be allowed by the employer of a factory, shop or bakeshop,—

- (a) to clean any part of the machinery in a factory which is mill-gearing while the machinery is in motion;
- (b) to work between the fixed and traversing part of any self-acting machine while the machine is in motion;
- (c) to work at any machine without first having received adequate instruction upon its operation and any dangers connected therewith; or
- (d) to work at any machine without adequate supervision by a person having thorough knowledge of and experience with the machine.

(2) Any factory, shop or bakeshop in which a youth, young girl or woman is allowed to clean or work in contravention of this section shall be deemed to be kept so that the safety of persons employed therein is endangered. Contra-
vention.

12. *The Factory, Shop and Office Building Act* is amended by adding thereto the following section: Rev. Stat.,
c. 194,
amended.

51a. No person under the influence of or having in his possession any intoxicating liquor shall enter or be in any factory. Intoxicated
persons.

13. Subsection 2 of section 53 of *The Factory, Shop and Office Building Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 194, s. 53,
subs. 2,
re-enacted.

(2) No person shall be allowed to enter a tank, chamber, pit, pipe, flue or other confined space in which dangerous fumes, dusts or extreme temperatures are liable to be present in any factory unless,— Dangerous
fumes;
extreme
tempera-
tures.

- (a) such confined space has a manhole or other means to easy egress and has been thoroughly ventilated and tested to be safe for entry;
- (b) such person is wearing suitable breathing apparatus and a belt to which there is securely attached a rope the free end of which is held by a person outside the confined space;
- (c) when deemed necessary by the inspector, there is conveniently available suitable reviving apparatus and a person trained in the operation thereof;

and the belt, rope and other apparatus which is used for such purpose shall be periodically inspected by the employer and maintained in good working order.

Rev. Stat.,
c. 194, s. 56,
subs. 5, cl. f,
amended.

14. Clause f of subsection 5 of section 56 of *The Factory, Shop and Office Building Act* is amended by inserting after the word "paid" in the first line the words "by the owner of a boiler or pressure vessel" so that the said clause shall now read as follows:

- (f) fixing the fees or other remuneration to be paid by the owner of a boiler or pressure vessel to an inspector upon inspection.

Rev. Stat.,
c. 194, s. 58,
subss. 1, 2,
re-enacted;
subs. 3,
repealed.

15. Subsections 1, 2 and 3 of section 58 of *The Factory, Shop and Office Building Act* are repealed and the following substituted therefor:

- (1) In every factory, shop, bakeshop, restaurant and office building,—

Prevention
of and pro-
tection from
fire.

- (a) the owner or employer shall provide such equipment, facilities and other means for the prevention and extinguishment of and protection from fire as the Chief Inspector may deem necessary in the circumstances and direct such owner or employer in writing to provide; and

- (b) the owner shall provide such means of egress convenient to and having easy communication with all working rooms as the Chief Inspector may deem necessary including,—

- (i) such tower stairways of fire resistive construction equipped with fire doors approved by the Chief Inspector at each storey including the basement, as the Chief Inspector may direct;

- (ii) such metal or other non-inflammable fire escapes consisting of stairways, with railings, attached to the outside of the building and with landings at each storey connecting directly with the interior of the building through metal or other fire resistive doors or casement windows, as the Chief Inspector may direct; and

- (iii) such lighting facilities and legible signs to facilitate egress as the Chief Inspector may direct.

- (2) In every factory, shop, bakeshop, restaurant or office building in which more than fifteen persons are employed at any time during the year or in which, in the opinion of the inspector the nature of the business carried on may endanger the safety of the employees, every door for the use of the employees shall open outwardly and no door leading to the outside or to any passageway, tower stairway or fire escape shall be obstructed, bolted, barred or locked during any time that employees are in the building. Doors to open outwardly.

16. Section 59 of *The Factory, Shop and Office Building Act* is amended by striking out the words "or accident" in the first line and inserting in lieu thereof the words "accident or industrial disease", and by striking out the words "next after the fire or accident" in the fourth line, so that the said section shall now read as follows: Rev. Stat., c. 194, s. 59, amended.

59. Where a fire, accident or industrial disease in any factory, shop, bakeshop, restaurant or office building occasions any bodily injury to any person employed therein whereby he is prevented from working for more than six days a notice in the prescribed form shall be sent to the Chief Inspector by the employer forthwith after the expiration of such six days, and if such notice is not so sent the employer shall incur a penalty of not less than \$10 nor more than \$30. Notice of injury to be given Chief Inspector.

17. Clause *a* of subsection 1 of section 82 of *The Factory, Shop and Office Building Act*, as amended by subsection 1 of section 10 of *The Statute Law Amendment Act, 1939*, is repealed and the following substituted therefor: Rev. Stat., c. 194, s. 82, subs. 1, cl. a, re-enacted.

- (a) "Shop" shall mean a building or portion of a building, booth, stall or place where goods are exposed or offered for sale by retail, and barbers' shops, beauty parlours, shoe repair shops, shoe shine shops and hat cleaning and blocking businesses but shall not include a place where the only trade or business carried on is that of a licensed hotel or tavern, victualling house or refreshment house. "Shop" defined.

18. This Act may be cited as *The Factory, Shop and Office Building Amendment Act, 1944*. Short title.

1st Reading

March 23rd, 1944

2nd Reading

March 27th, 1944

3rd Reading

March 30th, 1944

MR. DALEY

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Municipal Act.

MR. PORTER

BILL

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows.

Rev. Stat.,
c. 266,
amended.

1. *The Municipal Act* is amended by adding thereto the following section.

Nomination
Day.

77a. The council of a local municipality having authority to fix the day for the meeting of electors and for polling as provided in sections 74, 75, 76 and 77, may by by-law passed not later in the year than the 15th day of November provide that the meeting of electors shall be held on the day fourteen days prior to the day named in such section on which the polling shall take place except where that day is on a Saturday, and in that case on the day fifteen days prior to such polling day.

Rev. Stat.,
c. 266, s. 81
subs. 1, cl. d,
amended.

2.—(1) Clause *d* of subsection 1 of section 81 of *The Municipal Act* is repealed and the following substituted therefor:

(*d*) a deputy returning officer and a poll clerk for each polling place and such other persons to attend at any polling place as the returning officer deems necessary to properly carry out the election.

Rev. Stat.,
c. 266, s. 81,
subs. 2,
amended.

(2) Subsection 2 of the said section 81 is amended by striking out the word "and" in the second line and inserting after the word "clerks" in the said line the words "and such other persons", so that the said subsection shall now read as follows:

Election
officers in
cities over
100,000.

(2) In a city having a population of not less than 100,000, the returning officers, deputy returning officers, poll clerks, and such other persons shall be appointed on the recommendation of the clerk, and such appointments shall be made at least one month before

EXPLANATORY NOTES

SECTION 1. This provision, which is new, would authorize municipalities to fix the nomination day 14 days before election day instead of either 7 days, 9 days or 11 days as at present.

SECTION 2. At the request of the returning officer, a municipality would be authorized to appoint additional clerks who could enter a polling place to relieve or assist the deputy returning officer during an election.

polling day, and as far as practicable the deputy returning officers and poll clerks shall be appointed for polling places in the subdivisions in which they reside.

Rev. Stat.,
c. 266, s. 125,
amended.

3. Section 125 of *The Municipal Act* is amended by inserting after the word "agents" in the second line the words "and such other persons as are appointed under section 81", so that the said section shall now read as follows:

Who may be
in polling
place.

125. The deputy returning officer, the poll clerk, the constable or constables, the candidates and their agents, and such other persons as are appointed under section 81, and no others, shall be permitted to remain in the polling place during the time the poll is open or at the counting of the votes.

Rev. Stat.,
c. 266,
amended.

4. *The Municipal Act* is amended by adding thereto the following section:

Electors
waiting at
close of poll
entitled to
vote.

127a.—(1) The electors within the polling place or waiting in line to vote at the hour of closing the poll shall be entitled to vote and the deputy returning officer shall, at that time cause a certificate in the following form: "*I certify that at.....o'clock there were.....electors within the polling place or waiting in line to vote*" to be entered immediately below the last name at that time in the poll book and such certificate shall be signed by the deputy returning officer, the poll clerk and any candidate or agent present who desires to sign it.

Idem.

(2) The deputy returning officer shall direct the constable or when no constable is present any other person to take his stand behind the last person waiting in line to vote and the constable or such other person shall be instructed to prevent anyone not waiting in the line from joining it and such constable or other person shall continue in such line until the last person in front of him has entered the polling place.

Rev. Stat.,
c. 266
s. 316b,
added.

5. *The Municipal Act* is amended by adding thereto the following section:

Reserve
funds.

316b. The council of every city having a population of not less than 100,000 may in each year provide in the estimates an amount equivalent to one mill in the dollar on the whole rateable property according to the last revised assessment roll for the establishment or maintenance of a reserve fund to be expended, pledged or applied with the approval of the

SECTION 3. Complimentary to section 2 of this Bill.

SECTION 4. These provisions, which are new, provide for voting by electors who are in the polling place or waiting in line at the close of the poll.

SECTION 5. This new provision will authorize a city over 100,000 in population to provide a reserve fund to carry out a planned development of permanent improvements.

Department for permanent improvements in public works, exclusive of parks.

Rev. Stat.,
c. 266, s. 340,
amended.

6. Section 340 of *The Municipal Act* is amended by inserting after the word "electors" in the third line the words "or with the approval of the Ontario Municipal Board" so that the section shall now read as follows:

Temporary
advances
to meet cost
of works.

340. Where by this or any other Act power is conferred on a municipal corporation to borrow money for any purpose without the assent of the electors, or with the approval of the Ontario Municipal Board it shall include not only the power to borrow money by the issue of debentures, but also the power to agree with any bank or person for temporary advances to meet the expenditure incurred from time to time for such purpose, and to borrow from time to time by the issue and sale of debentures such sum as may be necessary to repay such advances.

Rev. Stat.,
c. 266, s. 405,
amended.

7. Section 405 of *The Municipal Act* is amended by adding thereto the following paragraphs:

Delivery of
fuel.

38a. With the approval of the Municipal Board, for co-ordinating and regulating the supply of fuel to and the delivery of fuel by persons engaged in the supply and distribution of fuel.

Municipal
parking
lots.

47a. For acquiring land for, establishing, improving and laying out lots or areas where vehicles may be parked and for regulating, supervising and governing the parking of vehicles therein and for charging and collecting a fee for such parking.

Rev. Stat.,
c. 266, s. 406,
amended.

8. Section 406 of *The Municipal Act* as re-enacted by section 13 of *The Municipal Amendment Act, 1941*, is amended by adding thereto the following subsection:

Fee payable
to municipi-
palities.

11. Where an application is received for the repeal or amendment of a by-law passed pursuant to this section, or the repeal or amendment of any by-law deemed to be consistent with the provisions of this section, the applicant shall pay to the treasurer of the municipality the sum of \$10 to be applied on account of the cost of such repeal or amendment.

Rev. Stat.,
c. 266, s. 407,
amended.

9. Section 407 of *The Municipal Act* is amended by adding thereto the following paragraphs:

Approval of
appearance
of buildings.

4b. For requiring the approval of plans of buildings to be erected, enlarged or altered externally as to

SECTION 6. This amendment will enable a municipality to arrange for temporary borrowings to meet the cost of work in all those cases where it can issue debentures with the approval of the Ontario Municipal Board.

SECTION 7. Self-explanatory. These provisions are new.

SECTION 8. This provision, which is new, will require any applicant for amendment or repeal of a by-law restricting property to pay \$10 on account of the cost of preparing surveys, canvassing the residents in the vicinity, and applying for the approval of the Ontario Municipal Board.

SECTION 9. These provisions, which are new, are designed (1) to give municipalities control over the external appearance of buildings; (2) to permit persons to enter on adjoining lands to make repairs to buildings; and (3) to provide for safety devices for window cleaners.

external design and appearance by a committee of three persons appointed by the council and for prohibiting such erection, enlargement or alteration without such approval.

- (a) Any applicant for approval of a plan in accordance with a by-law passed pursuant to this paragraph may within ten days after being advised of the decision of such committee, appeal therefrom to the Ontario Municipal Board, which board may grant or refuse the application.

Entry on adjoining lands to repair buildings.

- 6a. For permitting an owner or occupant of any building or the agent or employee of such owner or occupant to enter upon any adjoining land for the purpose of making repairs, alterations or improvements to such building but only to the extent necessary to effect such repairs, alterations or improvements and every such by-law shall provide that the adjoining land shall be left in the same condition it was in prior to such entry.

Safety devices for window cleaners.

52. For requiring the installation and maintenance of safety devices for window cleaners, for inspecting such devices and for prohibiting any person from cleaning the outside of windows of buildings on which such devices are installed unless such devices are used.

Rev. Stat., c. 266, s. 408, amended.

- 10.—(1) Paragraph 6 of section 408 of *The Municipal Act* is amended by adding thereto the following clause:

To regulate delivery of fuel.

- (b) A by-law passed under this paragraph may require the whole quantity of coal or other fuel measured or weighed in accordance with such by-law to be delivered to the person for whom it was measured or weighed.

Rev. Stat., c. 266, s. 408, amended.

- (2) The said section 408 is further amended by adding thereto the following paragraph:

Power to make payments on behalf of indigents and persons on relief.

16. For providing on behalf of any indigent inhabitant for the payment of rental arrears to prevent eviction or for the cost not exceeding \$200 of repairs necessary to make a dwelling house habitable for any indigent inhabitant or person on relief, or for making on behalf of any person on relief minor expenditures to take the place of shelter allowance provided under *The Unemployment Relief Act, 1935*.

1935, c. 71.

SECTION 10—Subsection 1. This provision, which is new, will require a fuel dealer to deliver the quantity of coal or other fuel measured or weighed by him for any person.

Subsection 2. This provision, which is new, will authorize a municipality to pass by-laws for paying rental arrears on behalf of an indigent inhabitant; to make repairs not exceeding \$200 and to make minor expenditures where emergencies arise in the administration of public welfare.

Rev. Stat.,
c. 266, s. 430,
amended.

11. Section 430 of *The Municipal Act* is amended by striking out the word "junk" wherever it appears in the said section and inserting in lieu thereof in each instance the word "salvage".

Rev. Stat.,
c. 266, s. 438,
amended.

12. Section 438 of *The Municipal Act* is amended by adding thereto the following paragraph:

Shoe-repair
shops, etc.

4. For licensing, regulating and governing keepers of shoe-repair shops or shoe-shine shops and for revoking any license granted.

SECTION 11. This amendment will change the names "junk shop" and "junk yard" to "salvage shop" or "salvage yard".

SECTION 12. Self-explanatory.

1st Reading

March 24th, 1944

2nd Reading

3rd Reading

MR. PORTER

No. 66

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Assessment Act.

MR. PORTER

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Assessment Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 272, s. 8,
subs. 1,
para. *m*,
amended.

1.—(1) Paragraph *m* of subsection 1 of section 8 of *The Assessment Act* is amended by striking out the word “ten” in the second line and inserting in lieu thereof the word “twenty-five” so that the said paragraph, exclusive of the clause, shall now read as follows:

Business
assessment
of super-
vised car
park.

(*m*) Every person carrying on the business of a supervised car park for a sum equal to twenty-five per centum of the assessed value.

Rev. Stat.,
c. 272, s. 8,
subs. 2,
re-enacted.

(2) Subsection 2 of the said section 8 is repealed and the following substituted therefor:

Business
assess-
ment,—
clubs.

(2) Every club having an authority to sell beer and wine and every proprietary club shall be liable to a business assessment for a sum equal to twenty-five per centum of the assessed value of the land occupied or used for the purposes of the club.

Rev. Stat.,
c. 272, s. 23,
cl. *a*,
amended.

2. Clause *a* of subsection 1 of section 23 of *The Assessment Act* is amended by adding at the end thereof the words “and he shall obtain the signature of the person from whom such information is received”, so that the said clause shall now read as follows:

Names of
persons
assessed.

(*a*) He shall set down the names and surnames, in full, if the same can be ascertained, of all persons, whether they are or are not resident in the municipality, ward, or district for which he has been appointed, who are liable to assessment therein, and he shall obtain the signature of the person from whom such information is received.

EXPLANATORY NOTES

SECTION 1—Subsection 1. This amendment will increase the business assessment on supervised car parks from ten to twenty-five per centum of the assessed value of the land occupied.

Subsection 2. The amendment will make every club having a beer and wine authority liable for business assessment in addition to proprietary clubs.

SECTION 2. Self-explanatory.

1st Reading

March 24th, 1944

2nd Reading

3rd Reading

MR. PORTER

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Assessment Act.

MR. DENNISON

BILL

An Act to amend The Assessment Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 272, s. 8,
subs. 2,
re-enacted.

1. Subsection 2 of section 8 of *The Assessment Act* is repealed and the following substituted therefor:

Clubs.

- (2) Every club having an authority to sell beer and wine and every proprietary club shall be liable to a business assessment for a sum equal to twenty-five per centum of the assessed value of the land occupied or used for the purposes of the club.

EXPLANATORY NOTE

It is considered that clubs selling beer and wine should be liable to business assessment. The subsection as re-enacted applies also to all proprietary clubs regardless of whether or not meals are furnished.

1st Reading

March 24th, 1944

2nd Reading

3rd Reading

MR. DENNISON

No. 68

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Municipal Act.

MR. CONNOR

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows.

Rev. Stat.,
c. 266, s. 405,
para. 38,
amended.

1.—(1) Paragraph 38 of section 405 of *The Municipal Act* is amended by striking out the first three lines and inserting in lieu thereof the following:

38. Within the limitations and restrictions and under the conditions prescribed by the by-law:

Rev. Stat.,
c. 266, s. 405,
para. 38,
cl. v, subcl. b
repealed.

(2) Subclause *b* of clause *v* of paragraph 38 of the said section 405 is repealed.

Rev. Stat.,
c. 266, s. 405,
amended.

(3) The said section 405 is further amended by adding thereto the following paragraph:

38*a*. For co-ordinating and regulating the supply of fuel to and the delivery of fuel by persons engaged in the supply and distribution of fuel.

EXPLANATORY NOTES

SECTION 1—Subsection 1. The words requiring the approval of the Municipal Board are deleted.

Subsection 2. The subclause repealed provided that every debenture by-law under paragraph 38 had to have the approval of the Lieutenant-Governor in Council as well as that of the Municipal Board.

Subsection 3. Self-explanatory.

1st Reading

March 24th, 1944

2nd Reading

3rd Reading

MR. CONNOR

No. 69

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Public Health Act.

MR. VIVIAN

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Public Health Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 299, s. 1,
cl. f,
re-enacted.

1.—(1) Clause *f* of section 1 of *The Public Health Act* is repealed and the following substituted therefor:

"health
unit".

(f) "health unit" shall mean a health unit established under this Act.

Rev. Stat.,
c. 299, s. 1,
amended.

(2) The said section 1 is further amended by adding thereto the following clause:

"medical
and dental
inspection".

(ii) "medical and dental inspection" shall mean medical and dental inspection and dental treatment.

Rev. Stat.,
c. 299, s. 5,
cl. ze,
(1940,
c. 22, s. 2),
amended.

2.—(1) Clause *ze* of section 5 of *The Public Health Act* as enacted by section 2 of *The Public Health Amendment Act, 1940*, is amended by striking out the word "and" after the words "camps" in the first line and by inserting after the word "resorts" in the second line the words "and agricultural camps", so that the said clause shall now read as follows:

Summer
camps and
resorts and
agricultural
camps.

(ze) defining, regulating and licensing summer camps, summer resorts and agricultural camps but not including premises commonly known as tourist camps, boarding houses or lodging houses.

Rev. Stat.,
c. 299, s. 5,
amended.

(2) The said section 5 is further amended by adding thereto the following clauses:

Location,
construction,
etc., of
dwellings;

(zi) prescribing standards for the location, construction, alteration, repair and equipment of premises to be used as dwellings;

cold storage
plants.

(zj) prescribing standards for the construction, operation and maintenance of premises used for public cold storage of food for human consumption.

EXPLANATORY NOTES

SECTION 1. Self-explanatory.

SECTION 2—Subsection 1. Provides for regulations in respect of agricultural camps.

Subsection 2—Provision is made for the making of regulations with respect to the matters set out in the section.

Rev. Stat.,
c. 299, s. 35,
subss. 1, 2,
re-enacted.

3.—(1) Subsections 1 and 2 of section 35 of *The Public Health Act* are repealed and the following substituted therefor:

Health
unit,—
establish-
ment;

- (1) A health unit comprising a county, city, town, village or township may be established by by-law of the council of such municipality.

agreements
between
municipali-
ties.

- (1a) An agreement may be entered into between or among any such municipalities for the establishment of a health unit comprising both or all of the municipalities to the agreement.

Health
unit,—
how formed;

- (2) Where a county, either alone or with another county or with a municipality separated from the county, is a health unit, the local municipalities in such county and not separated therefrom shall all form part of such health unit.

in terri-
torial
district.

- (2a) A health unit in a territorial district may comprise one or more municipalities and one or more school sections.

Rev. Stat.,
c. 299, s. 35,
subs. 4,
cl. c,
amended.

- (2) Clause *c* of subsection 4 of the said section 35 is amended by inserting after the word "health" where it occurs the first time in the second line the words "school medical officers, dental officers, nurses, sanitary inspectors and other technical health workers", so that the said clause shall now read as follows:

- (c) prescribing the powers, qualifications, salary and duties of a medical officer of health, school medical officers, dental officers, nurses, sanitary inspectors and other technical health workers in a health unit.

Rev. Stat.,
c. 299, s. 35,
subs. 4,
cl. d,
amended.

- (3) Clause *d* of subsection 4 of the said section 35 is amended by inserting after the word "health" in the second line the words "school medical officers, dental officers, nurses, sanitary inspectors and other technical health workers", so that the said clause shall now read as follows:

- (d) respecting the appointment and tenure of office of the medical officer of health, school medical officers, dental officers, nurses, sanitary inspectors and other technical health workers in a health unit.

Rev. Stat.,
c. 299, s. 91,
subs. 2,
amended.

4. Subsection 2 of section 91 of *The Public Health Act* as amended by section 4 of *The Public Health Amendment Act, 1943*, is further amended by inserting after the word "municipality" where it occurs in the second and fifth lines the words "or health unit", so that the said subsection shall now read as follows:

SECTION 3—Subsection 1. The provisions *The Public Health Act* relating to the establishment of health units are recast for the purposes of clarification.

Subsections 2 and 3. The power to make regulations relating to health units is extended to include regulations with regard to school medical officers, dental officers, nurses, sanitary inspectors and other technical health workers.

SECTION 4. The provision which authorizes the School Board to enter into an agreement with the local Board of Health of a municipality is extended to permit such an agreement to be made with the local Board of Health of a health unit.

Agreement
for medical
and dental
inspection
of school
pupils.

- (2) Any school board may enter into an agreement with the local board of any municipality or health unit to provide for the medical and dental inspection and dental treatment by the local board of the pupils of the school or schools under the charge of such school board situate in the municipality or health unit for which such local board is established.

Rev. Stat.,
c. 299, s. 91a,
subs. 1,
(1940,
c. 22, s. 6),
amended.

- 5.—(1) Subsection 1 of section 91a of *The Public Health Act* as enacted by section 6 of *The Public Health Amendment Act, 1940*, is amended by inserting after the word “nurses” in the fourth line the words, “school medical officers and dental officers”, so that the said subsection now read as follows:

Public
health
nurses.

- (1) Any school board may enter into an agreement with any county to provide for the employment by and at the expense of the county, of public health nurses, school medical officers and dental officers in the schools under the control of such school board.

Rev. Stat.,
c. 299, s. 91a,
subs. 2,
(1940,
c. 22, s. 6),
amended.

- (2) Subsection 2 of the said section 91a is amended by inserting after the word “section” in the second line the words “and no school medical officer is appointed by the county”, so that the said subsection shall now read as follows:

Medical
officer
to direct.

- (2) Where an agreement is entered into pursuant to this section and no school medical officer is appointed by the county the medical officer of health having jurisdiction in the place where the schools are located shall direct and control the activities of the public health nurses so employed.

Short title.

6. This Act may be cited as *The Public Health Amendment Act, 1944*.

SECTION 5—Subsection 1. It is provided that an agreement between a School Board and a County may also provide for the employment of school medical officers and dental officers.

Subsection 2. It is provided that where an agreement is entered into between a School Board and a County a local medical officer of health shall have direction and control of the public health nurses only where there is no medical officer of health for the County.

1st Reading

March 27th, 1944.

2nd Reading

3rd Reading

MR. VIVIAN

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Public Health Act.

MR. VIVIAN

BILL

An Act to amend The Public Health Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 299, s. 1,
cl. *f*,
re-enacted.

1.—(1) Clause *f* of section 1 of *The Public Health Act* is repealed and the following substituted therefor:

“health
unit”.

(*f*) “health unit” shall mean a health unit established under this Act.

Rev. Stat.,
c. 299, s. 1,
amended.

(2) The said section 1 is further amended by adding thereto the following clause:

“medical
and dental
inspection”.

(*ii*) “medical and dental inspection” shall mean medical and dental inspection and dental treatment.

Rev. Stat.,
c. 299, s. 5,
cl. *ze*,
(1940,
c. 22, s. 2),
amended.

2.—(1) Clause *ze* of section 5 of *The Public Health Act* as enacted by section 2 of *The Public Health Amendment Act, 1940*, is amended by striking out the word “and” after the words “camps” in the first line and by inserting after the word “resorts” in the second line the words “and agricultural camps”, so that the said clause shall now read as follows:

Summer
camps and
resorts and
agricultural
camps.

(*ze*) defining, regulating and licensing summer camps, summer resorts and agricultural camps but not including premises commonly known as tourist camps, boarding houses or lodging houses.

Rev. Stat.,
c. 299, s. 5,
amended.

(2) The said section 5 is further amended by adding thereto the following clauses:

Location,
construction,
etc., of
dwellings;

(*zi*) prescribing standards for the location, construction, alteration, repair and equipment of premises to be used as dwellings;

cold storage
plants.

(*zj*) prescribing standards for the construction, operation and maintenance of premises used for public cold storage of food for human consumption.

3.—(1) Subsections 1 and 2 of section 35 of *The Public Health Act* are repealed and the following substituted therefor: Rev. Stat., c. 299, s. 35, re-enacted.

- (1) A health unit comprising a county, city, town, village or township may be established by by-law of the council of such municipality. Health unit, — establishment;
- (1a) An agreement may be entered into between or among any such municipalities for the establishment of a health unit comprising both or all of the municipalities to the agreement. agreements between municipalities.
- (2) Where a county, either alone or with another county or with a municipality separated from the county, is a health unit, the local municipalities in such county and not separated therefrom shall all form part of such health unit. Health unit, — how formed;

- (2a) A health unit in a territorial district may comprise one or more municipalities and one or more school sections. in territorial district.

(2) Clause *c* of subsection 4 of the said section 35 is amended by inserting after the word "health" where it occurs the first time in the second line the words "school medical officers, dental officers, nurses, sanitary inspectors and other technical health workers", so that the said clause shall now read as follows: Rev. Stat., c. 299, s. 35, subs. 4, cl. c, amended.

- (c) prescribing the powers, qualifications, salary and duties of a medical officer of health, school medical officers, dental officers, nurses, sanitary inspectors and other technical health workers in a health unit.

(3) Clause *d* of subsection 4 of the said section 35 is amended by inserting after the word "health" in the second line the words "school medical officers, dental officers, nurses, sanitary inspectors and other technical health workers", so that the said clause shall now read as follows: Rev. Stat., c. 299, s. 35, subs. 4, cl. d, amended.

- (d) respecting the appointment and tenure of office of the medical officer of health, school medical officers, dental officers, nurses, sanitary inspectors and other technical health workers in a health unit.

4. Subsection 2 of section 91 of *The Public Health Act* as amended by section 4 of *The Public Health Amendment Act, 1943*, is further amended by inserting after the word "municipality" where it occurs in the second and fifth lines the words "or health unit", so that the said subsection shall now read as follows: Rev. Stat., c. 299, s. 91, subs. 2, amended.

Agreement
for medical
and dental
inspection
of school
pupils.

- (2) Any school board may enter into an agreement with the local board of any municipality or health unit to provide for the medical and dental inspection and dental treatment by the local board of the pupils of the school or schools under the charge of such school board situate in the municipality or health unit for which such local board is established.

Rev. Stat.,
c. 299, s. 91a,
subs. 1,
(1940,
c. 22, s. 6),
amended.

5.—(1) Subsection 1 of section 91a of *The Public Health Act* as enacted by section 6 of *The Public Health Amendment Act, 1940*, is amended by inserting after the word “nurses” in the fourth line the words “school medical officers and dental officers”, so that the said subsection now read as follows:

Public
health
nurses.

- (1) Any school board may enter into an agreement with any county to provide for the employment by and at the expense of the county, of public health nurses, school medical officers and dental officers in the schools under the control of such school board.

Rev. Stat.,
c. 299, s. 91a,
subs. 2,
(1940,
c. 22, s. 6),
amended.

(2) Subsection 2 of the said section 91a is amended by inserting after the word “section” in the second line the words “and no school medical officer is appointed by the county”, so that the said subsection shall now read as follows:

Medical
officer
to direct.

- (2) Where an agreement is entered into pursuant to this section and no school medical officer is appointed by the county the medical officer of health having jurisdiction in the place where the schools are located shall direct and control the activities of the public health nurses so employed.

Short title.

6. This Act may be cited as *The Public Health Amendment Act, 1944*.



1st Reading

March 27th, 1944.

2nd Reading

March 30th, 1944

3rd Reading

April 3rd, 1944

MR. VIVIAN

No. 70

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Municipal Act.

MR. DENNISON

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 70

1944

BILL

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 266, s. 407,
amended.

1. Section 407 of *The Municipal Act* is amended by adding thereto the following paragraph:

Window
cleaners.

52. For requiring the installation and maintenance of safety devices for window cleaners, for inspecting such devices and for prohibiting any person from cleaning the outside of windows of buildings on which such devices are installed unless such devices are used.

Rev. Stat.,
c. 266, s. 430,
amended.

2. Section 430 of *The Municipal Act* is amended by striking out the word "junk" wherever it occurs in the said section and inserting in lieu thereof in each instance the word "salvage".

EXPLANATORY NOTES

SECTION 1. This provision, which is new, will enable urban municipalities to pass by-laws requiring the installation and maintenance of safety devices for window cleaners.

SECTION 2. The name of junk yards, junk shops, etc., is changed to salvage yards, salvage shops, etc.

1st Reading

March 27th, 1944

2nd Reading

3rd Reading

MR. DENNISON

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

Act to authorize the Application of the Wartime Labour Relations
Regulations made under the War Measures Act (Canada) to certain
Employees and Employers and to provide for the
establishment of the Ontario Labour
Relations Board.

MR. DALEY

BILL

An Act to authorize the Application of the Wartime Labour Relations Regulations made under the War Measures Act (Canada) to certain Employees and Employers and to provide for the establishment of the Ontario Labour Relations Board.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpre-
tation,—

1. In this Act,—

"Board";

(a) "Board" shall mean Ontario Labour Relations Board;

"Minister";

(b) "Minister" shall mean Minister of Labour; and

"regula-
tions".

(c) "regulations" shall mean regulations made under this Act;

"Wartime
Labour
Relations
Regula-
tions".

(d) "Wartime Labour Relations Regulations" shall mean the Wartime Labour Relations Regulations made under the *War Measures Act* (Canada) by Order of the Governor-General in Council number P.C. 1003 and dated the 17th day of February, 1944.

Application
of Dominion
regulations.

2.—(1) The Lieutenant-Governor in Council may provide for the application of,—

(a) the Wartime Labour Relations Regulations a copy of which is set forth as Schedule A to this Act;

(b) the regulations made by Order of the Governor-General in Council number P.C. 4020 and dated the 6th day of June, 1941, as amended by Orders of the Governor-General in Council numbers P.C. 4844, P.C. 7068, P.C. 496 and P.C. 4175, dated the 2nd day of July, 1941, the 10th day of September, 1941, the 19th day of January, 1943, and the 20th day of May, 1943, respectively, so far as they are not

EXPLANATORY NOTES

GENERAL. The Bill provides for the establishment of the Ontario Labour Relations Board and for the application to certain employees and employers coming under the jurisdiction of this Legislature of the Wartime Labour Relations Regulations passed under the *War Measures Act* (Canada) and of certain other regulations.

SECTION 1. Self-explanatory.

SECTION 2.—Subsection 1 of this section authorizes the Lieutenant-Governor in Council to provide for the application of the regulations indicated in clauses *a*, *b*, *c* and *d* to any or all employees whose relations with their employers are ordinarily within the exclusive legislative jurisdiction of this Legislature to regulate in the manner provided by such regulations and to the employers thereof.

inconsistent with the Wartime Labour Relations Regulations a copy of which is set forth as Schedule B to this Act;

(c) any amendments to such regulations; and

(d) any other regulations made under or pursuant to the *War Measures Act* (Canada),

to any or all employees whose relations with their employers are ordinarily within the exclusive legislative jurisdiction of this Legislature to regulate in the manner provided by such regulations and to the employers thereof.

Effect of
Dominion
regulations.

(2) Any regulations or amendments thereto which are made applicable to any of the employees and employers mentioned in subsection 1 shall, subject to any order of the Lieutenant-Governor in Council, have the same force and effect as an Act of this Legislature and shall continue in full force and effect notwithstanding any revocation or amendment thereof made under the *War Measures Act* (Canada) and notwithstanding that because of the termination of the war or for any other reason they may become inoperative as regulations under the *War Measures Act* (Canada).

Agreement
with
Dominion.

3. Subject to the approval of the Lieutenant-Governor in Council, the Minister may enter into such agreement with the Minister of Labour for Canada as he may deem necessary for the purposes of this Act and of the administration in Ontario of the Wartime Labour Relations Regulations.

Ontario
Labour
Relations
Board.

4.—(1) There shall be a board which shall be known as the Ontario Labour Relations Board and shall consist of a chairman and not more than six other members.

Powers and
duties of
Board.

(2) The Board shall exercise such powers and perform such duties as may be vested in or imposed upon it by this Act, the *War Measures Act* (Canada) or any other Act of this Legislature or any regulation or agreement made under or pursuant to any of such Acts.

Tenure of
office.

5.—(1) The chairman and the other members of the Board shall be appointed by the Lieutenant-Governor in Council upon the recommendation of the Minister and shall hold office during pleasure.

Head office.

(2) The head office of the Board shall be in Toronto but the Board may sit at such other places as it deems expedient.

Quorum.

(3) A majority of the members of the Board shall constitute a quorum.

Subsection 2 provides that any regulations made applicable under subsection 1 shall continue in force notwithstanding that they cease to have force under the Dominion Act, subject only to any order which the Lieutenant-Governor in Council may make.

SECTION 3. Authority is given to the Minister of Labour for Ontario, subject to the approval of the Lieutenant-Governor in Council, to enter into an agreement with the Minister of Labour for Canada for the purposes indicated in the section.

SECTION 4—Subsection 1 establishes the Board and subsection 2 provides for the powers which it shall exercise and the duties which it shall perform.

SECTION 5. Provides for the appointment of the chairman and other members of the Board and for various other administrative matters relating to the Board.

Decision.

(4) A decision of the majority of the members of the Board present and constituting a quorum shall be the decision of the Board, and in the event of a tie the chairman or acting chairman shall have a casting vote.

Powers under Rev. Stat., c. 19.

(5) The Board and each member thereof shall have all the powers which may be conferred upon a commissioner appointed under *The Public Inquiries Act*.

Evidence.

(6) The Board and each member thereof may receive and accept such evidence and information on oath, affidavit or otherwise as in its or his discretion it or he may deem fit and proper whether admissible as evidence in a court of law or not.

Procedure.

(7) Subject to the approval of the Lieutenant-Governor in Council, the Board may make rules or regulations governing its procedure which are not inconsistent with the Wartime Labour Relations Regulations or any rules or regulations thereunder.

Oath of office.

(8) Each member of the Board shall, before acting as such, take and subscribe before the Clerk of the Executive Council and shall file in the office of such Clerk, an oath of office in the following form:

"I do solemnly swear that I will faithfully, truly and impartially, to the best of my judgment, skill and ability, execute and perform the office of member (or chairman) of the Ontario Labour Relations Board and will not, except in the discharge of my duties, disclose to any person any of the evidence or any other matter brought before the said Board. So help me God."

Officials and employees.

6.—(1) The Minister may appoint a Chief Executive Officer and such other officials and employees as may be required for the purpose of the Board.

Salaries.

(2) The Chairman, the other members of the Board, the Chief Executive Officer and the officials and employees appointed by the Minister, shall be paid such salaries as may be fixed by the Lieutenant-Governor in Council and such expenses as may be incurred by them in the discharge of their duties.

Expenses,—how paid.

7. The expenses of the Province incurred in carrying out the provisions of this Act and the Wartime Labour Relations Regulations shall be paid out of the Consolidated Revenue Fund.

Regulations.

8. The Lieutenant-Governor in Council may make regulations,—

(a) vesting such further powers in and imposing such further duties on the Board or the Minister as he may deem necessary for the carrying out of this Act;

SECTION 6—Subsection 1 provides for the appointment of the staff of the Board and subsection 2 provides for the fixing of the salaries of the Board and staff.

SECTION 7. Self-explanatory.

SECTION 8. Provides for the making of regulations which will be necessary or desirable for the proper functioning of the Board.

- (b) providing that, for the purposes of the administration of this Act, the term "Minister" wherever used in any of the regulations or amendments thereto referred to in subsection 1 of section 2 shall mean Minister of Labour for Canada or Minister of Labour for Ontario, as the Lieutenant-Governor in Council in his discretion may deem advisable;
- (c) providing a right of appeal from orders, decisions and rulings of the Board to the Wartime Labour Relations Board established under the Wartime Labour Relations Regulations and prescribing the procedure upon appeals; and
- (d) generally for the better carrying out of the provisions of this Act.

1943, c. 4,
repealed.

9.—(1) *The Collective Bargaining Act, 1943*, is repealed, but for the purposes of this Act and, so far as it is within the competence of this Legislature to prescribe, for the purposes of any Act of the Parliament of Canada or regulations made thereunder the persons who have been duly appointed or elected as the representatives of a collective bargaining agency certified pursuant to the provisions of such Act, shall be deemed to be certified bargaining representatives within the meaning of the Wartime Labour Relations Regulations.

Records.

(2) All records belonging to or in the possession of The Labour Court of Ontario shall be transferred to the Board, and shall be the property of the Crown in right of Ontario.

Where Act
not to
apply.

10. Subject to the provisions of section 9 and to any regulations referred to in section 2, this Act shall not apply to,—

- (a) the industry of farming;
- (b) domestic servants;
- (c) members of any police force;
- (d) The Hydro-Electric Power Commission of Ontario; and
- (e) any municipal corporation, board of public school trustees, board of separate school trustees, high school board, board of education or any board or commission created or established by a municipal corporation pursuant to statutory authority unless such municipal corporation, board or commission has by by-law, if it has power to pass by-laws, or

SECTION 9—Subsection 1. *The Collective Bargaining Act* is repealed but provision is made for continuing in force certificates issued thereunder.

Subsection 2. The records of the Labour Court will be transferred to the Board.

SECTION 10. The classes of persons who do not come under the provisions of the Act are enumerated.

by resolution or minute, declared this Act applicable thereto and to its employees or any section thereof and any such by-law, resolution or minute may be revoked by a subsequent by-law, resolution or minute, as the case may be.

Orders, etc.,
of Board
final.

11. Subject to such right of appeal to the Wartime Labour Relations Board established under the Wartime Labour Relations Regulations as may be provided by the regulations, the orders, decisions and rulings of the Board shall be final and shall not be questioned, reviewed, restrained or removed by injunction, prohibition, mandamus, quo warranto, certiorari or otherwise by any court.

1943, c. 4,
1943, c. 11,
continued
in force.

12. Notwithstanding the provisions of *The Judicature Amendment Act, 1944*, or of section 9 hereof, *The Collective Bargaining Act, 1943*, and *The Judicature Amendment Act, 1943*, shall continue in full force and effect so far as may be necessary for the purposes of continuing any proceedings pending in The Labour Court of Ontario at the time of the coming into force of this Act.

Suspension
of Rev.
Stat.,
c. 203.

13. The Lieutenant-Governor may by his Proclamation suspend the operation of *The Industrial Disputes Investigation Act* from and after a day to be named in the Proclamation until a day to be named in a further Proclamation.

Commence-
ment of Act.

14. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

15. This Act may be cited as *The Labour Relations Board Act, 1944*.

SECTION 11. Subject only to any appeal to the Wartime Labour Relations Board which may be provided by the Regulations, the decisions of the Board are final.

SECTION 12. Provision is made for continuing any proceedings which are pending in the Labour Court at the time of the coming into force of this Act.

SECTION 13. Provision is made for the suspension of *The Industrial Disputes Investigation Act*.

SECTION 14. Self-explanatory.

SECTION 15. Self-explanatory.

SCHEDULE A

to An Act to authorize the Application of the Wartime Labour Relations Regulations made under the War Measures Act (Canada) to certain Employees and Employers and to provide for the establishment of the Ontario Labour Relations Board.

P.C. 1003

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 17th day of February, 1944.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS it is deemed to be in the public interest, especially during the war period and more particularly in industries essential to the prosecution of the war, that employers and employees collaborate for the advancement of the enterprises in which they are engaged;

That employers and employees should freely discuss matters of mutual interest with each other;

That differences between employers and employees should be settled by peaceful means; and

That both employers and employees should be free to organize for the conduct of negotiations between them and that a procedure should be established for such negotiations;

AND WHEREAS it is therefore deemed necessary, by reason of the war, for the security, defence, peace, order and welfare of Canada and for the effective prosecution of the war, that regulations be made in respect of such matters.

NOW, THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Labour and under the authority of the War Measures Act, chapter 206 of the Revised Statutes of Canada, 1927, is pleased to make the regulations hereto attached and they are hereby made and established accordingly.

A. D. P. HEENEY,
Clerk of the Privy Council.

SHORT TITLE

1. These regulations may be cited as the Wartime Labour Relations Regulations.

INTERPRETATION

2. (1) In these regulations unless the context otherwise requires,

(a) "appropriate War Labour Board" means, in connection with any matter the National War Labour Board or the Regional War Labour Board that has jurisdiction in the matter under the Wartime Wages Control Order, 1943;

- (b) "Board" means the Wartime Labour Relations Board established by these regulations;
- (c) "certified bargaining representative" means a bargaining representative certified by the Board under these regulations;
- (d) "collective agreement" means an agreement in writing between an employer or an employers' organization on the one hand and a trade union or an employees' organization on the other hand containing provisions with reference to rates of pay, hours of work or other working conditions;
- (e) "Conciliation Board" means a Board appointed by the Minister under section fourteen;
- (f) "employee" means a person employed by an employer to do skilled or unskilled manual, clerical or technical work; but does not include
 - (i) a person employed in a confidential capacity or having authority to employ or discharge employees; or
 - (ii) a person employed in domestic service, agriculture, horticulture, hunting or trapping;
- (g) "employer" means a person employing more than one employee and includes
 - (i) the National Harbours Board; and
 - (ii) any other body incorporated to act as an agent of His Majesty in right of Canada except any such body whose employees are entitled to a cost-of-living bonus under the order made by the Governor in Council on the twenty-sixth day of August, nineteen hundred and forty-one, for the payment of a cost-of-living bonus to employees of the Government of Canada (P.C. 6702), as amended;

but does not include His Majesty or any person or corporation acting for or on behalf or as an agent of His Majesty except as hereinbefore expressly provided;
- (h) "employers' organization" means an organization of employers formed to regulate relations between employers and employees;
- (i) "employees' organization" means an organization of employees formed to regulate relations between employers and employees;
- (j) "lockout" includes the closing of a place of employment, a suspension of work or a refusal by an employer to continue to employ a number of his employees, done to compel his employees, or to aid another employer to compel his employees, to accept terms of employment;
- (k) "Minister" means the Minister of Labour for Canada;
- (l) "prescribed" means prescribed by the Board;
- (m) "strike" or "to go on strike" includes the cessation of work by a body of employees acting in combination or a concerted refusal or a refusal under a common understanding of a number of employees to continue to work for an employer, done to compel their employer, or to aid other employees to compel their employer, to accept terms of employment;
- (n) "trade union" means a provincial, national or international employees' organization, or a local branch chartered by, and in good standing with, such an organization;

- (o) a reference to a section by number only is a reference to the section in these regulations bearing that number and a reference to a subsection by number only is a reference to the subsection bearing that number in the section where the reference occurs;
- (p) words importing the masculine gender include corporations, trade unions, employees' organizations and employers' organizations as well as females.

(2) No employee shall cease to be such within the meaning of these regulations by reason only of his ceasing to work as the result of a lockout, strike or his wrongful dismissal.

APPLICATION

3. (1) These regulations apply in the case of employees
- (a) who are employed upon or in connection with a work, undertaking or business that is ordinarily within the legislative authority of Parliament, including, but not so as to restrict the generality of the foregoing,
 - (i) works, undertakings or businesses operated or carried on for or in connection with navigation and shipping, whether inland or maritime;
 - (ii) lines of steam or other ships, railways, canals, telegraphs and other works and undertakings connecting any province with any other or others of the provinces, or extending beyond the limits of the province;
 - (iii) lines of steamships between a province and any British or foreign country;
 - (iv) ferries between any province and any British or foreign country, or between two provinces; and
 - (v) such works as, although wholly situate within the province, have been or may be declared by the Parliament of Canada to be for the general advantage of Canada, or for the advantage of two or more of the provinces;
 - (b) who are employed upon or in connection with a work, undertaking or business that is essential to the efficient prosecution of the war; or
 - (c) whose relations with their employers in matters covered by these regulations are ordinarily within the exclusive legislative jurisdiction of a provincial legislature to regulate and to whom these regulations have been applied by the provincial legislature in respect of their relations with their employers;

and to the employers of all such employees in their relations with such employees and to trade unions, employees' organizations and employers' organizations composed of such employees or employers.

(2) For the purposes of this section, the employees employed in a work, undertaking or business described in Schedule A to these regulations, and no others, shall be deemed to be employed in connection with a work, undertaking or business that is essential to the efficient prosecution of the war.

(3) Schedule A to these regulations may be amended, either by the addition or deletion of a class of employees, by an order made by the Governor General in Council.

(4) If a provincial legislature applies these regulations to any employees as provided for in paragraph (c) of subsection one, every person on whom duties are imposed and in whom powers are vested by these

regulations shall perform and exercise such duties and powers with reference to such employees and their employers and trade unions, employees' organizations, and employers' organizations composed of such employees and employers in all respects as in the case of employees mentioned in paragraphs (a) and (b) of subsection one and their employers and employees' organizations and trade unions and employers' organizations composed of such employees and employers.

RIGHTS OF EMPLOYEES AND EMPLOYERS

4. (1) Every employee shall have the right to be a member of a trade union or employees' organization and to participate in the lawful activities thereof.

(2) Every employer shall have the right to be a member of an employers' organization and to participate in the lawful activities thereof.

(3) Where bargaining representatives have been certified under section eight, the bargaining representatives or the employees' employer may, in accordance with the procedure hereinafter set out, enter into negotiations with a view to the completion of a collective agreement between the employer concerned on the one hand and the trade union or employees' organization on the other hand.

CERTIFICATION OF BARGAINING REPRESENTATIVES

5. (1) The employees of any employer may elect bargaining representatives by a majority vote of the employees affected.

(2) If the majority of the employees affected are members of one trade union, that trade union may elect or appoint its officers or other persons as bargaining representatives on behalf of all the employees affected; for the purpose of this section, an employee shall be deemed to be a member of the trade union if he has in writing requested the trade union to elect or appoint bargaining representatives on his behalf.

(3) Where more than one employer and their employees desire to negotiate a collective agreement, the employees of such employers may elect bargaining representatives by a majority vote of the employees affected of each employer, or, if the majority of the employees affected of each employer are members of one trade union that trade union may elect or appoint its officers or other persons as bargaining representatives on behalf of all the employees affected.

(4) If in accordance with established trade union practice the majority of a group of employees who belong to a craft by reason of which they are distinguishable from the employees as a whole, are separately organized into a trade union pertaining to the craft, such trade union may elect or appoint its officers or other persons as bargaining representatives on behalf of the employees belonging to that craft. Where any group claims and is entitled to the rights conferred by this subsection, the employees comprising the craft shall not be entitled to vote for any of the purposes of collective bargaining with that employer, except when the collective bargaining is in respect only of the craft to which they belong; nor shall they in any manner be taken into account in the computation of a majority in respect of any matter regarding which they are not entitled to vote.

(5) Two or more trade unions may, by agreement, join in electing bargaining representatives on terms consistent with these regulations.

6. When bargaining representatives have been elected or appointed, application may be made to the Board by or on behalf of such representatives for their certification as the bargaining representatives of the employees affected.

7. Upon such application the Board shall by an examination of records, by a vote or otherwise, satisfy itself that an election or appointment of bargaining representatives was regularly and properly made, and in the

case of a trade union, that the trade union acted with the authority of the majority of the employees affected as prescribed by subsection two of section five, and that the unit of employees concerned is one which is appropriate for collective bargaining; and if the Board is not so satisfied, it shall reject the application.

8. (1) Where the Board is satisfied that the bargaining representatives have been duly elected or appointed, it shall certify them as bargaining representatives and shall specify the unit of employees on whose behalf the representatives so certified are authorized to act, and a collective agreement negotiated by such representatives shall be binding on every employee in the specified unit of employees.

(2) When bargaining representatives have been certified by the Board, the Board shall notify the applicants and the employer concerned of the certification.

9. At any time after the expiry of ten months of the term of a collective agreement, whether entered into before or after the effective date of these regulations, the employees affected may elect new bargaining representatives in the manner provided in section five and application may be made to the Board by or on behalf of such bargaining representatives for their certification. Upon receipt of such application the Board shall deal with the same as in the case of an initial application for certification under the regulations. If on such application the Board certifies new bargaining representatives, they shall be substituted for the previous bargaining representatives of the employees affected as a party to the agreement in question, and as such may give notice of the termination thereof as provided for in the agreement or under these regulations.

NEGOTIATION OF COLLECTIVE AGREEMENT

10. (1) When bargaining representatives have been certified under these regulations they may give the employer concerned, or the employer concerned may give the bargaining representatives, ten clear days' notice requiring that he or they, as the case may be, enter into negotiations with a view to the completion of a collective agreement.

(2) The parties shall negotiate in good faith with one another and make every reasonable effort to conclude a collective agreement.

(3) At the request of the bargaining representatives they may be accompanied during the negotiations by officers or agents of the trade union or employees' organization concerned.

(4) No collective agreement containing wage provisions shall be executed insofar as it involves any change in existing wage rates or other wage provisions until the appropriate War Labour Board has approved any such change, but it may nevertheless be executed as to the other provisions before such approval is received.

(5) Every party to a collective agreement and every employee upon whom a collective agreement is made binding by these regulations shall do everything he is, by the collective agreement, required to do and shall abstain from doing anything he is, by the collective agreement, required not to do.

11. If negotiations for an agreement have continued for thirty days and either party to the negotiations believes that an agreement will not be completed in a reasonable time, it may so advise the Board indicating the difficulties encountered and may ask the Board to intervene with a view to the completion of an agreement.

12. (1) Upon receipt of advice under section eleven, the Board shall refer the matter to the Minister, who shall, within three days instruct a conciliation officer to confer with the parties and attempt to effect an agreement.

(2) A conciliation officer who has been instructed to confer with the

parties under subsection one of this section, shall, within fourteen days of receiving his instructions, or within such longer period as the Minister may allow, report to the Minister setting out in full:—

- (a) the matters, if any, on which the parties cannot agree and his recommendations with regard thereto;
- (b) the terms, if any, upon which the parties have agreed; and
- (c) whether, in his view, an agreement might be facilitated by appointment of a Conciliation Board.

13. (1) If a conciliation officer who has been instructed to confer with the parties recommends the appointment of a Conciliation Board, the Minister shall forthwith appoint a Conciliation Board consisting of three members appointed by the Minister after consultation with the parties as required by section thirty.

(2) A Conciliation Board appointed under this section shall, upon its appointment, endeavour to effect an agreement between the parties on the matters on which they have not agreed and, in any event, shall report the result of its endeavours and its findings and recommendations to the Minister within fourteen days of the appointment of the chairman thereof, or within such longer period as may be agreed upon by the parties or as may be allowed by the Minister.

14. If a Conciliation Board's report to the Minister shows that it has been unable to effect an agreement between the parties, the Minister shall cause a copy thereof to be sent forthwith to the parties and to the Board, and he may publish it in such manner as he thinks fit.

DURATION AND RENEWAL OF AGREEMENTS

15. No collective agreement shall be made for a term of less than one year, but where the term of an agreement is more than one year, the agreement shall contain or be deemed to contain a provision for the termination thereof at any time after one year on two months' notice by either party thereto.

16. Either party to a collective agreement may, on ten clear days' notice, require the other party to enter into negotiations for the renewal of the agreement within the period of two months prior to the expiry date, and both parties shall thereupon enter into such negotiations in good faith and make every reasonable effort to secure such a renewal.

GRIEVANCE PROCEDURE

17. Where an employee alleges that there has been a misinterpretation or a violation of a collective agreement, the employee shall submit the same for consideration and final settlement in accordance with the procedure established by the collective agreement, if any, or the procedure established by the Board for such case; and the employee and his employer shall do such things as are required of them by the procedure and such things as are required of them by the terms of the settlement.

18. (1) Every collective agreement made after these regulations come into force shall contain a provision establishing a procedure for final settlement, without stoppage of work, on the application of either party, of differences concerning its interpretation or violation.

(2) Where a collective agreement does not provide an appropriate procedure for consideration and settlement of disputes concerning its interpretation or violation thereof, the Board shall, upon application, by order, establish such a procedure.

UNFAIR PRACTICES

19. (1) No employer shall dominate or interfere with the formation or administration of a trade union or employees' organization or contribute

financial or other support to it; but an employer may, notwithstanding the foregoing, permit an employee or representative of a trade union or an employees' organization to confer with him during working hours or to attend to the business of the organization or union during working hours without deduction of time so occupied in the computation of the time worked for the employer and without deduction of wages in respect thereof.

(2) No employer or employers' organization, and no person acting on behalf of same shall

- (a) refuse to employ any person because the person is a member of a trade union or an employees' organization;
- (b) impose any condition in the contract of employment seeking to restrain an employee from exercising his rights under these regulations; or
- (c) seek by intimidation, by dismissal or threat of dismissal, by any other kind of threat, by the imposition of a pecuniary or other penalty, or by any other means whatsoever, to compel an employee to abstain from becoming or continuing to be a member or officer or representative of a trade union or an employees' organization, or from exercising his lawful rights;

but nothing in these regulations shall be interpreted to affect, otherwise than as expressly stated, the right of an employer to suspend, transfer, lay off, or discharge employees for appropriate and sufficient cause.

20. (1) No person shall, with a view to compelling or influencing a person to join a trade union or employees' organization, use coercion or intimidation of any kind, but this subsection shall not be construed to prohibit the inclusion of any provision in a collective agreement.

(2) Except with the consent of the employer, no trade union or employees' organization, and no person authorized by the union or employees' organization to act on its behalf, shall attempt, at the employee's place of employment during his working hours, to persuade an employee to join the trade union or employees' organization.

(3) No trade union or employees' organization and no person acting on its behalf shall support, encourage, condone or engage in a "slowdown" or other activity designed to restrict or limit production; but this provision shall not be interpreted to limit a trade union's legal right to strike and a thing required by a provision in a collective agreement for the safety or health of the employees shall be deemed not to be a "slowdown" or designed to restrict or limit production.

(4) No trade union or employees' organization, and no person acting on its behalf, shall participate in, or in any way interfere with, the formation or administration of an employers' organization.

STRIKES AND LOCKOUTS

21. (1) No employee shall go on strike until

- (a) bargaining representatives have been elected or appointed for the employees affected; and
- (b) an attempt has been made to effect an agreement under sections eleven and twelve, and fourteen days have elapsed since the Conciliation Board reported to the Minister.

(2) Where an application has been made under these regulations for the certification of bargaining representatives, the employer of the employees affected shall not declare or cause a lockout of the employees until an attempt has been made to effect an agreement under sections eleven and twelve, and fourteen days have elapsed since the Conciliation Board reported to the Minister.

(3) No employer who is a party to a collective agreement shall declare or cause a lockout and no employee bound thereby shall go on strike during the term of the collective agreement.

(4) Where a dispute has arisen by reason of a change in the existing terms of employment proposed by the employer, the employer shall not, without the consent of the employees affected, make such change effective until a period of two months has elapsed from the date when the employer notified the employees of such proposed change.

(5) Nothing in these regulations shall be interpreted to prohibit the suspension or discontinuance of an industry or of the working of any persons therein for a cause not constituting a lockout or a strike.

INFORMATION

22. (1) Each of the parties to a collective agreement shall forthwith upon its execution file one copy with the Board.

(2) The Board may require any employers' organization or trade union or local branch thereof, or an employees' organization affected by any application for certification of bargaining representatives, or affected by an existing collective agreement, to file with the Board;

(a) a statutory declaration stating the names and addresses of its officers; or

(b) a copy of its constitution and by-laws.

(3) Every employers' organization, trade union and employees' organization shall furnish to its members within three months of the end of its fiscal year a statement of its income and expenditures, and if required by the Board shall file a copy thereof with the Board for its information.

ADMINISTRATION

Wartime Labour Relations Board

23. There shall be a Board which shall be known as the Wartime Labour Relations Board and shall consist of a chairman, vice-chairman, and not more than eight other members.

24. (1) The members of the Board shall be appointed by the Governor in Council and shall hold office during pleasure.

(2) The head office of the Board shall be in Ottawa.

(3) A majority of the members of the Board shall constitute a quorum and in the absence of the chairman the vice-chairman shall act as chairman.

(4) A decision of the majority of the members of the Board present and constituting a quorum shall be the decision of the Board, and in the event of a tie the chairman or acting chairman shall have a casting vote.

(5) The Board and each member thereof shall have the powers of a Commissioner under Part I of the Inquiries Act.

(6) The Board and each member thereof may receive and accept such evidence and information on oath, affidavit or otherwise as in its or his discretion it or he may deem fit and proper whether admissible as evidence in a court of law or not.

(7) The Board shall determine its own procedure but shall in every case give an opportunity to all interested parties to present evidence and make representations.

(8) Each member of the Board shall, before acting as such, take and subscribe before the Clerk of the Privy Council and shall file in the office of the said Clerk an oath of office in the following form:—

"I do solemnly swear that I will faithfully, truly and impartially to the best of my judgment, skill and ability, execute and perform the office of member of the Wartime Labour Relations Board and will not, except in the discharge of my duties, disclose to any person any of the evidence or other matter brought before the said Board. So help me God."

25. (1) If a question arises under these regulations as to whether:

- (a) a person is an employer or employee;
- (b) the unit of employees appropriate for collective bargaining is the employer unit, craft unit, plant unit or a subdivision thereof;
- (c) an organization of employees or employers is a trade union, employees' organization or employers' organization;
- (d) an agreement is a collective agreement;
- (e) an employer, or certified bargaining representatives of employees, is negotiating in good faith;

the Board shall decide the question and its decision shall be final and conclusive for all the purposes of these regulations.

(2) If a question set out in subsection one arises in any legal proceedings, the Justice or Justices of the Peace, Magistrate, Judge or Court before whom it arises shall, if the question has not been decided by the Board, refer the question to the Board and defer further proceedings until the Board's decision is received.

(3) Any document purporting to contain or to be a copy of any regulation, direction, or order of the Board and purporting to be signed by a member of the Board or by an officer thereof shall be accepted by any court as evidence of the regulation, direction, or order therein contained or of which it purports to be a copy.

26. (1) The Board may, by order, delegate to any person, board or association all or any part of its jurisdiction relating to any particular matter.

(2) The Board may, by order, revoke any delegation made under this section and thereupon the jurisdiction so delegated shall revert in the Board.

27. (1) The Board may, with the approval of the Minister, make such regulations as may be necessary to enable it to discharge the duties imposed upon it by these regulations and to provide for the supervision and control of its officers, clerks and employees.

(2) The Board may prescribe anything, which, under these regulations, is to be prescribed.

(3) The Board, with the approval of the Minister, may appoint an executive committee to exercise its powers subject to such directions or conditions as the Board may specify.

28. (1) The members of the Board shall be paid such salaries as may be fixed by the Governor in Council and such expenses as may be incurred by them in the discharge of their duties.

(2) The Board may appoint an officer to be the Chief Executive Officer of the Board who shall be paid such salary as may be fixed by the Governor in Council.

(3) The Department of Labour shall furnish such technical and clerical assistance to the Board as may be possible, and the Board may, with the approval of the Governor in Council, employ such other officers and employees as may be necessary for the conduct of its business and may fix their remuneration.

CONCILIATION OFFICERS AND BOARDS

29. When he instructs a conciliation officer under section twelve, the Minister shall forth notify the parties thereof.

30. (1) Before appointing a Conciliation Board under section thirteen, the Minister shall by notice require each of the parties to the negotiations to recommend one person to be a member of the Conciliation Board within seven days of receipt of the notice; and the Minister shall, at the expiration of the said period, appoint two members, in his opinion, representative of the different points of view involved, after considering the recommendations, if any, received within the said period.

(2) The two members of the Conciliation Board appointed pursuant to subsection one shall, within five days of the day on which the last of them is appointed, recommend a third person to be a member and chairman of the Conciliation Board; and the Minister shall, on the expiration of the said period, appoint a person to be a third member and chairman of the Conciliation Board after considering the recommendation if received within the said period.

(3) No person

- (a) who has any pecuniary interest in the matters referred to the Board; or
- (b) who is acting, or has, within a period of six months preceding the date of his appointment, acted in the capacity of solicitor, legal adviser, counsel or paid agent of either of the parties;

shall act as a member of a Conciliation Board.

(4) When the Conciliation Board has been appointed, the Minister shall forthwith deliver to it a statement of the matters referred to it.

(5) Upon a person ceasing to be a member of a Conciliation Board before it has completed its work, the Minister shall appoint a member in his place in the same manner as the person who ceased to be a member was appointed.

31. (1) A Conciliation Board and each member thereof shall have the powers of a Commissioner under Part I of the Inquiries Act.

(2) A Conciliation Board and each member thereof may receive and accept such evidence and information on oath, affidavit or otherwise as in its or his discretion it or he may deem fit and proper whether admissible in evidence in a court of law or not.

(3) Each member of a Conciliation Board shall, before acting as such, take and subscribe before a person authorized to administer an oath or affirmation, and file with the Minister, an oath or affirmation in the following form:

"I do solemnly swear (affirm) that I will faithfully, truly and impartially to the best of my knowledge, skill and ability, execute and perform the office of member of the Conciliation Board appointed to and will not, except in the discharge of my duties, disclose to any person any of the evidence or other matter brought before the said Board. So help me God."

(4) The chairman may fix the time and place of sittings of a Conciliation Board after consultation with the other members of the Board; and he shall notify the parties as to the time and place so fixed.

(5) A Conciliation Board may determine its own procedure, but shall give full opportunity to all parties to present evidence and make representations.

(6) The chairman and one other member of a Conciliation Board shall be a quorum but, in the absence of a member, the others shall not proceed unless he has been given reasonable notice of the sitting.

(7) The decision of a majority of the members present at a sitting of a Conciliation Board shall be the decision of the Conciliation Board and in the event of a tie, the chairman shall have a casting vote.

(8) The report of the majority of its members shall be that of the Conciliation Board.

(9) After a Conciliation Board has made its report, the Minister may direct the Conciliation Board to reconsider and amplify or clarify any part thereof.

(10) After a Conciliation Board has made its report, the Minister shall send a copy thereof to the employer or employers' organization and to the trade union or employees' organization.

32. The Minister may provide a Conciliation Board with a secretary, stenographer, and such clerical or other assistance as to the Minister seems necessary for the performance of its duties.

33. Every person who is summoned by a Conciliation Board or a member thereof and duly attends as a witness shall be entitled to an allowance for expenses determined in accordance with the scale for the time being in force with respect to witnesses in civil suits in the superior courts in the province where the inquiry is being conducted, and in any event, he shall be entitled to not less than four dollars per day.

34. A Conciliation Board, or a member thereof, and, on being authorized in writing by the Conciliation Board, any other person, may, without any other warrant than this section, at any time, enter a building, mine, mine-workings, ship, vessel, factory, workshop, place, or premises of any kind wherein or in respect of which an industry is carried on, or work is being or has been done or commenced, or any matter or thing is taking place or has taken place, concerning the matters referred to the Conciliation Board, and may inspect and view any work, material, machinery, appliance or article therein, and interrogate any persons in or upon any such place, matter or thing hereinbefore mentioned; and no person shall hinder or obstruct the Board or any person authorized as aforesaid in the exercise of a power conferred by this section or refuse to answer an interrogation made as aforesaid.

35. (1) The members of Conciliation Board shall be remunerated for their services as follows:—

To a member other than the chairman, an allowance of five dollars a day for not more than three days during which he is engaged in considering the recommendation of a person to be the third member of the Board;

To each member of the Board, including the chairman, an allowance at the rate of twenty dollars for each day he is present when the Board sits and for each day necessarily spent travelling from his place of residence to a meeting of the Board and returning therefrom.

(2) Each member of a Conciliation Board is entitled to his actual necessary travelling expenses for each day that he spends in travelling from his place of residence to a meeting of the Board and returning therefrom.

(3) All expenses of a Conciliation Board, including expenses for transportation incurred by the members thereof or by persons engaged, under its orders, in making investigations under these regulations, salaries of employees and agents, and fees and mileage to witnesses, shall be allowed and paid upon the presentation of itemized vouchers therefor, approved by the chairman of the Board and forwarded by the chairman to the Minister.

(4) The chairman shall forward to the Minister a detailed certified statement of the sittings of the Board, and of the members present at each sitting.

GENERAL

36. (1) The Minister may appoint or constitute administrative officers or agencies in any province and delegate to them such of his powers under these regulations as in his opinion is necessary for their proper administration.

(2) The Minister may with the approval of the Governor in Council, enter into an agreement with the government of any province to provide for the administration within that province of these regulations or any part thereof and such agreement may provide

- (a) the manner in which the Minister shall exercise the powers conferred on him by subsection one in respect of matters in that province;
- (b) for the transfer to the government of the province or some person or persons specified by the government of the province, of all or any part of the jurisdiction in respect of matters within that province conferred on the Board by these regulations, and for a procedure whereby an appeal may be had to the National Board from a decision made in the exercise of the jurisdiction so conferred; and
- (c) for reimbursement of the province in respect of expenses so incurred.

37. (1) The Minister may determine the salaries, fees and expenses to be paid to persons performing services under these regulations except where otherwise provided.

(2) The administrative expenses of the Board, other than the salaries and usual travelling expenses of departmental employees, shall be paid out of the War Appropriation.

ENFORCEMENT

38. Every person, trade union or employers' or employees' organization to whom an order is issued or who is required to do or abstain from doing anything by or pursuant to these regulations shall obey such order or do or abstain from doing such thing as required.

39. For the purpose of these regulations and of any proceedings taken thereunder, any notice or other communication sent through His Majesty's mails shall be presumed, unless the contrary is proved, to have been received by the addressee in the ordinary course of mail.

40. Every employer who declares or causes a lockout contrary to these regulations is guilty of an offence and liable upon summary conviction to a fine of not more than five hundred dollars for each day or part of a day that the lockout exists.

41. (1) Every employee who goes on strike contrary to these regulations is guilty of an offence and liable upon summary conviction to a fine of not more than twenty dollars for each day or part of a day that he is on strike.

(2) Every trade union and every other employees' organization that authorizes a strike contrary to these regulations is guilty of an offence and liable on summary conviction to a fine of not more than two hundred dollars for each day or part of a day that the strike continues.

42. Every person, trade union, employees' organization or employers' organization who contravenes any of the provisions of these regulations is guilty of an offence, and unless some penalty is expressly provided by these regulations for such contravention, liable on summary conviction, if an individual, to a penalty of not more than one hundred dollars, and if a corporation, employers' organization, employees' organization or trade union, to a penalty of not more than five hundred dollars.

43. Every person is guilty of an indictable offence and liable to a fine not exceeding five thousand dollars, and not less than five hundred dollars or to imprisonment for a term not exceeding five years and not less than six months, or to both such fine and such imprisonment, who corruptly

- (a) makes any offer, proposal, gift, loan or promise, or gives or offers any compensation or consideration, directly or indirectly, to a person concerned in the administration or enforcement of these regulations or having or expected to have any duties to perform thereunder, for the purpose of influencing such person in the performance of his duties; or
- (b) being a person concerned in the administration or enforcement of these regulations or having or expected to have any duties to perform thereunder, accepts or agrees to accept or allows to be accepted by any person under his control or for his benefit any such offer, proposal, gift, loan, promise, compensation or consideration.

44. (1) Every person is a party to and guilty of an offence under these regulations who

- (a) actually commits it;
- (b) does an act for the purpose of aiding any person to commit the offence;
- (c) abets any person in commission of the offence; or
- (d) counsels or procures any person to commit the offence.

(2) If an employers' organization, corporation, trade union or employees' organization, is guilty of an offence under these regulations, any officer of the employers' organization, corporation, trade union or employees' organization who assented to the commission of the offence is a party to and guilty of the offence.

45. No prosecution for an offence under these regulations shall be instituted except by or with the consent of the Board, evidenced by a certificate signed by or on behalf of the chairman of the Board, and in exercising its discretion as to whether any such consent should be granted, the Board may take into consideration disciplinary measures that have been taken by an employers' organization or a trade union or employees' organization against the accused.

46. The Minister may, notwithstanding any other provision in these regulations, instruct a conciliation officer to investigate any situation which in his opinion may be detrimental to the effective utilization of labour in the war effort.

MISCELLANEOUS

47. No proceeding under these regulations shall be deemed invalid by reason of any defect of form or any technical irregularity.

48. (1) The Industrial Disputes Investigation Act shall, except as to matters pending when these regulations come into force, be of no effect while this order is in force.

(2) The following Orders in Council are hereby revoked:—

- (a) The Order in Council made on the seventh day of November, nineteen hundred and thirty-nine, extending the application of the Industrial Disputes Investigation Act (P.C. 3495) as amended; and
- (b) The Order in Council made on the first day of December, nineteen hundred and forty-two, permitting employees of Crown companies to be members of trade unions (P.C. 10802).

(3) The following Orders in Council extending or varying the wartime application of the Industrial Disputes Investigation Act are hereby suspended to the extent that they are inconsistent with these regulations but shall otherwise remain in effect:—

- (a) The Order in Council made on the sixth day of June, nineteen hundred and forty-one (P.C. 4020) as amended; and
- (b) The Order in Council made on the sixteenth day of September, nineteen hundred and forty-one (P.C. 7307) as amended.

49. These regulations shall come into force on a day to be fixed by the Governor in Council.

SCHEDULE A

1. A work or undertaking engaged in mining or smelting operations;
2. A work, undertaking or business engaged in manufacturing or assembling aircraft parts;
3. A work, undertaking or business engaged in manufacturing or assembling tanks or universal carriers;
4. A work, undertaking or business engaged in manufacturing or assembling automobile or truck parts;
5. A work, undertaking or business engaged in smelting or refining aluminum;
6. A work, undertaking or business engaged in refining or producing oil or petroleum products;
7. A work, undertaking or business engaged in producing or processing natural or synthetic rubber;
8. A work, undertaking or business engaged in manufacturing chemicals for war purposes;
9. A work, undertaking or business engaged in producing or manufacturing steel for war industry or war purposes;
10. A work, undertaking or business engaged in building or construction or demolition projects under a contract or subcontract, intended for the use of His Majesty in right of Canada, including the construction, erection, repair, improvement or extension of buildings, aerodromes, harbours, dockyards, roads, defence fortifications, or other naval, military or air force works;
11. A work, undertaking or business engaged in shipbuilding, including shipbuilding accessories;
12. A work, undertaking or business engaged in the production of machinery, arms, shells, ammunition, explosives, implements of war, or naval, military or air stores;
13. A work, undertaking or business engaged in transportation or communication;
14. Public Service utilities, including gas, electric, water and power works, telegraph and telephone lines.

SCHEDULE B

to An Act to authorize the Application of the Wartime Labour Relations Regulations made under the War Measures Act (Canada) to certain Employees and Employers and to provide for the establishment of the Ontario Labour Relations Board.

P.C. 4020

(as amended by P.C. 4844; P.C. 7068; P.C. 496 and P.C. 4175, dated the 2nd day of July, 1941, the 10th day of September, 1941, the 19th day of January, 1943, and the 20th day of May, 1943, respectively.)

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 6th day of June, 1941.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS the Minister of Labour reports that the extension of the Industrial Disputes Investigation Act to war industries has necessarily resulted in a marked increase in the number of applications for Board of Conciliation and Investigation; and

That a number of such applications may have reference to disputes of a nature *prima facie* as not to warrant the appointment of a Board of Conciliation and Investigation;

THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Labour, and under the authority of the War Measures Act is pleased to order and it is hereby ordered as follows:

1. When in any industry to which the Industrial Disputes Investigation Act, as extended by P.C. 3495 and P.C. 1708, applies, a strike or lockout has occurred or seems to the Minister of Labour to be imminent and whether or not a Board of Conciliation and Investigation has been applied for and whether or not either of the parties to the dispute has submitted a declaration that, failing an adjustment of the dispute, a lockout or strike will be declared, and whether or not authority to declare such lockout or strike has been obtained, as required by Section 16 (2) of the Industrial Disputes Investigation Act, the Minister of Labour may refer the dispute to a tribunal to be designated as An Industrial Disputes Inquiry Commission, which shall make a preliminary investigation into the dispute promptly and, if a mutually satisfactory adjustment is not arrived at, shall advise the Minister on the matters at issue and whether the circumstances warrant the appointment of a Board of Conciliation and Investigation under the provisions of the Industrial Disputes Investigation Act, provided, however, that the Commission shall not offer any opinion as to the merits or substantial justice of such features of the case as may have to be submitted to a Board of Conciliation and Investigation.

2. An Industrial Disputes Inquiry Commission shall consist of one or more members appointed by the Minister of Labour and each member thereof shall have the full powers of a Commissioner under the provisions of the Inquiries Act, and may in the above circumstances inquire into any such dispute, lockout or strike or into any matters or circumstances connected therewith referred to such Commission by the Minister.

3. The members of an Industrial Disputes Inquiry Commission shall be remunerated for their services in accordance with the provisions of Section 52 of the Industrial Disputes Investigation Act.

4. All charges and expenses incurred by the Government in connection with the administration of these provisions shall be defrayed out of the appropriations provided by Parliament for the administration of the Industrial Disputes Investigation Act.

5. An Industrial Disputes Inquiry Commission shall, upon direction of the Minister of Labour, examine into any allegation that any person has been discharged or discriminated against for the reason that he is a member of or is working on behalf of a trade union or that any person has been improperly coerced or has been intimidated to induce him to join a trade union and, failing settlement of the matters at issue, shall forthwith report its findings and recommendations to the Minister of Labour. The Minister shall issue whatever order he deems necessary to effect such recommendations and such order shall be final and binding upon the employer and employees and any other person concerned.

(2) Any person refusing or failing to comply with an order of the Minister made under this section, shall be guilty of an offence and liable upon summary conviction to a fine not exceeding Five Hundred Dollars (\$500.00) for every day that such refusal or failure to comply continues.

6. Nothing in the foregoing shall be construed to give employees the right to work for or to attempt to organize a union in their working hours, at the place of their employment.

7. The provisions of Sections 57 and 59 of the Industrial Disputes Investigation Act shall apply with respect to any strike or lockout pending investigation by an Industrial Disputes Inquiry Commission.

8. The Minister of Labour may appoint an Industrial Disputes Inquiry Commission for the purpose of investigating any situation which in his opinion appears to be detrimental to the most effective utilization of labour in the war effort. The Commission shall report its findings and recommendations to the Minister of Labour who may take such steps as he deems necessary and desirable to effect such recommendations.

War-time Labour Relations Regulations
made under the War Measures Act
(Canada) to certain Employees
and Employers and to pro-
vide for the establishment
of the Ontario Labour
Relations Board.

1st Reading

March 27th, 1944

2nd Reading

3rd Reading

MR. DALEY

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

Act to authorize the Application of the Wartime Labour Relations
regulations made under the War Measures Act (Canada) to certain
Employees and Employers and to provide for the
establishment of the Ontario Labour
Relations Board.

MR. DALEY

(Reprinted as amended in Committee of the Whole House.)

BILL

An Act to authorize the Application of the Wartime Labour Relations Regulations made under the War Measures Act (Canada) to certain Employees and Employers and to provide for the establishment of the Ontario Labour Relations Board.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**Interpre-
tation,—**

1. In this Act,—

“Board”;

(a) “Board” shall mean Ontario Labour Relations Board;

“Minister”;

(b) “Minister” shall mean Minister of Labour; and

“regulations”.

(c) “regulations” shall mean regulations made under this Act;

“Wartime
Labour
Relations
Regulations”.

(d) “Wartime Labour Relations Regulations” shall mean the Wartime Labour Relations Regulations made under the *War Measures Act* (Canada) by Order of the Governor-General in Council number P.C. 1003 and dated the 17th day of February, 1944.

Application
of Dominion
regulations.

2.—(1) The Lieutenant-Governor in Council may provide for the application of,—

(a) the Wartime Labour Relations Regulations a copy of which is set forth as Schedule A to this Act;

(b) the regulations made by Order of the Governor-General in Council number P.C. 4020 and dated the 6th day of June, 1941, as amended by Orders of the Governor-General in Council numbers P.C. 4844, P.C. 7068, P.C. 496 and P.C. 4175, dated the 2nd day of July, 1941, the 10th day of September, 1941, the 19th day of January, 1943, and the 20th day of May, 1943, respectively, so far as they are not

EXPLANATORY NOTES

GENERAL. The Bill provides for the establishment of the Ontario Labour Relations Board and for the application to certain employees and employers coming under the jurisdiction of this Legislature of the Wartime Labour Relations Regulations passed under the *War Measures Act* (Canada) and of certain other regulations.

SECTION 1. Self-explanatory.

SECTION 2.—Subsection 1 of this section authorizes the Lieutenant-Governor in Council to provide for the application of the regulations indicated in clauses *a*, *b*, *c* and *d* to any or all employees whose relations with their employers are ordinarily within the exclusive legislative jurisdiction of this Legislature to regulate in the manner provided by such regulations and to the employers thereof.

inconsistent with the Wartime Labour Relations Regulations a copy of which is set forth as Schedule B to this Act;

(c) any amendments to such regulations; and

(d) any other regulations made under or pursuant to the *War Measures Act* (Canada),

to any or all employees whose relations with their employers are ordinarily within the exclusive legislative jurisdiction of this Legislature to regulate in the manner provided by such regulations and to the employers thereof.

Effect of
Dominion
regulations.

(2) Any regulations or amendments thereto which are made applicable to any of the employees and employers mentioned in subsection 1 shall, subject to any order of the Lieutenant-Governor in Council, have the same force and effect as an Act of this Legislature and shall continue in full force and effect notwithstanding any revocation or amendment thereof made under the *War Measures Act* (Canada) and notwithstanding that because of the termination of the war or for any other reason they may become inoperative as regulations under the *War Measures Act* (Canada).

Agreement
with
Dominion.

3. Subject to the approval of the Lieutenant-Governor in Council, the Minister may enter into such agreement with the Minister of Labour for Canada as he may deem necessary for the purposes of this Act and of the administration in Ontario of the Wartime Labour Relations Regulations.

Ontario
Labour
Relations
Board.

4.—(1) There shall be a board which shall be known as the Ontario Labour Relations Board and shall consist of a chairman and not more than six other members.

Powers and
duties of
Board.

(2) The Board shall exercise such powers and perform such duties as may be vested in or imposed upon it by this Act, the *War Measures Act* (Canada) or any other Act of this Legislature or any regulation or agreement made under or pursuant to any of such Acts.

Tenure of
office.

5.—(1) The chairman and the other members of the Board shall be appointed by the Lieutenant-Governor in Council upon the recommendation of the Minister and shall hold office during pleasure.

Head office.

(2) The head office of the Board shall be in Toronto but the Board may sit at such other places as it deems expedient.

Quorum.

(3) A majority of the members of the Board shall constitute a quorum.

Subsection 2 provides that any regulations made applicable under subsection 1 shall continue in force notwithstanding that they cease to have force under the Dominion Act, subject only to any order which the Lieutenant-Governor in Council may make.

SECTION 3. Authority is given to the Minister of Labour for Ontario, subject to the approval of the Lieutenant-Governor in Council, to enter into an agreement with the Minister of Labour for Canada for the purposes indicated in the section.

SECTION 4—Subsection 1 establishes the Board and subsection 2 provides for the powers which it shall exercise and the duties which it shall perform.

SECTION 5. Provides for the appointment of the chairman and other members of the Board and for various other administrative matters relating to the Board.

- Decision. (4) A decision of the majority of the members of the Board present and constituting a quorum shall be the decision of the Board, and in the event of a tie the chairman or acting chairman shall have a casting vote.
- Powers under Rev. Stat., c. 19. (5) The Board and each member thereof shall have all the powers which may be conferred upon a commissioner appointed under *The Public Inquiries Act*.
- Evidence. (6) The Board and each member thereof may receive and accept such evidence and information on oath, affidavit or otherwise as in its or his discretion it or he may deem fit and proper whether admissible as evidence in a court of law or not.
- Procedure. (7) Subject to the approval of the Lieutenant-Governor in Council, the Board may make rules or regulations governing its procedure which are not inconsistent with the Wartime Labour Relations Regulations or any rules or regulations thereunder.
- Oath of office. (8) Each member of the Board shall, before acting as such, take and subscribe before the Clerk of the Executive Council and shall file in the office of such Clerk, an oath of office in the following form:
- "I do solemnly swear that I will faithfully, truly and impartially, to the best of my judgment, skill and ability, execute and perform the office of member (*or* chairman) of the Ontario Labour Relations Board and will not, except in the discharge of my duties, disclose to any person any of the evidence or any other matter brought before the said Board. So help me God."
- Officials and employees. **6.—**(1) The Minister may appoint a Chief Executive Officer and such other officials and employees as may be required for the purpose of the Board.
- Salaries. (2) The Chairman, the other members of the Board, the Chief Executive Officer and the officials and employees appointed by the Minister, shall be paid such salaries as may be fixed by the Lieutenant-Governor in Council and such expenses as may be incurred by them in the discharge of their duties.
- Expenses,—how paid. **7.** The expenses of the Province incurred in carrying out the provisions of this Act and the Wartime Labour Relations Regulations shall be paid out of the Consolidated Revenue Fund.
- Regulations. **8.** The Lieutenant-Governor in Council may make regulations,—
- (a) vesting such further powers in and imposing such further duties on the Board or the Minister as he may deem necessary for the carrying out of this Act;

SECTION 6—Subsection 1 provides for the appointment of the staff of the Board and subsection 2 provides for the fixing of the salaries of the Board and staff.

SECTION 7. Self-explanatory.

SECTION 8. Provides for the making of regulations which will be necessary or desirable for the proper functioning of the Board.

- (b) providing that, for the purposes of the administration of this Act, the term "Minister" wherever used in any of the regulations or amendments thereto referred to in subsection 1 of section 2 shall mean Minister of Labour for Canada or Minister of Labour for Ontario, as the Lieutenant-Governor in Council in his discretion may deem advisable;
- (c) providing a right of appeal from orders, decisions and rulings of the Board to the Wartime Labour Relations Board established under the Wartime Labour Relations Regulations and prescribing the procedure upon appeals; and
- (d) generally for the better carrying out of the provisions of this Act.

1943, c. 4,
repealed.

9.—(1) *The Collective Bargaining Act, 1943*, is repealed, but for the purposes of this Act and, so far as it is within the competence of this Legislature to prescribe, for the purposes of any Act of the Parliament of Canada or regulations made thereunder, where any trade union or employees' organization is certified under *The Collective Bargaining Act, 1943*, either before or after the coming into force of this Act, as the collective bargaining agency for a unit or group of employees, the officers of such trade union or employees' organization shall be deemed to have been certified as bargaining representatives for such unit or group of employees under the Wartime Labour Relations Regulations as of the date of such certification, and such certification shall be deemed to have the same effect as if the Wartime Labour Relations Regulations had been in force prior thereto.

Records.

(2) All records belonging to or in the possession of The Labour Court of Ontario shall be transferred to the Board, and shall be the property of the Crown in right of Ontario.

Where Act
not to
apply.

10. Subject to the provisions of section 9 and to any regulations referred to in section 2, this Act shall not apply to,—

- (a) the industry of farming;
- (b) domestic servants;
- (c) members of any police force; and
- (d) any municipal corporation, board of public school trustees, board of separate school trustees, high

SECTION 9—Subsection 1. *The Collective Bargaining Act* is repealed but provision is made for continuing in force certificates issued thereunder.

Subsection 2. The records of the Labour Court will be transferred to the Board.

SECTION 10. The classes of persons who do not come under the provisions of the Act are enumerated.

school board, board of education or any board or commission created or established by a municipal corporation pursuant to statutory authority unless such municipal corporation, board or commission has by by-law, if it has power to pass by-laws, or by resolution or minute, declared this Act applicable thereto and to its employees or any section thereof and any such by-law, resolution or minute may be revoked by a subsequent by-law, resolution or minute, as the case may be.

Orders, etc.,
of Board
final.

11. Subject to such right of appeal to the Wartime Labour Relations Board established under the Wartime Labour Relations Regulations as may be provided by the regulations, the orders, decisions and rulings of the Board shall be final and shall not be questioned, reviewed, restrained or removed by injunction, prohibition, mandamus, quo warranto, certiorari or otherwise by any court.

1943, c. 4,
1943, c. 11,
continued
in force.

12. Notwithstanding the provisions of *The Judicature Amendment Act, 1944*, or of section 9 hereof, *The Collective Bargaining Act, 1943*, and *The Judicature Amendment Act, 1943*, shall continue in full force and effect so far as may be necessary for the purposes of continuing any proceedings pending in The Labour Court of Ontario on the 20th day of March, 1944.

Suspension
of Rev.
Stat.,
c. 203

13. The Lieutenant-Governor may by his Proclamation suspend the operation of *The Industrial Disputes Investigation Act* from and after a day to be named in the Proclamation until a day to be named in a further Proclamation.

Commence-
ment of Act.

14. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title

15. This Act may be cited as *The Labour Relations Board Act, 1944*.

SECTION 11. Subject only to any appeal to the Wartime Labour Relations Board which may be provided by the Regulations, the decisions of the Board are final.

SECTION 12. Provision is made for continuing any proceedings which are pending in the Labour Court at the time of the coming into force of this Act.

SECTION 13. Provision is made for the suspension of *The Industrial Disputes Investigation Act*.

SECTION 14. Self-explanatory.

SECTION 15. Self-explanatory.

SCHEDULE A

to An Act to authorize the Application of the Wartime Labour Relations Regulations made under the War Measures Act (Canada) to certain Employees and Employers and to provide for the establishment of the Ontario Labour Relations Board.

P.C. 1003

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 17th day of February, 1944.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS it is deemed to be in the public interest, especially during the war period and more particularly in industries essential to the prosecution of the war, that employers and employees collaborate for the advancement of the enterprises in which they are engaged;

That employers and employees should freely discuss matters of mutual interest with each other;

That differences between employers and employees should be settled by peaceful means; and

That both employers and employees should be free to organize for the conduct of negotiations between them and that a procedure should be established for such negotiations;

AND WHEREAS it is therefore deemed necessary, by reason of the war, for the security, defence, peace, order and welfare of Canada and for the effective prosecution of the war, that regulations be made in respect of such matters.

NOW, THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Labour and under the authority of the War Measures Act, chapter 206 of the Revised Statutes of Canada, 1927, is pleased to make the regulations hereto attached and they are hereby made and established accordingly.

A. D. P. HEENEY,
Clerk of the Privy Council.

SHORT TITLE

1. These regulations may be cited as the Wartime Labour Relations Regulations.

INTERPRETATION

2. (1) In these regulations unless the context otherwise requires,

(a) "appropriate War Labour Board" means, in connection with any matter the National War Labour Board or the Regional War Labour Board that has jurisdiction in the matter under the Wartime Wages Control Order, 1943;

- (b) "Board" means the Wartime Labour Relations Board established by these regulations;
- (c) "certified bargaining representative" means a bargaining representative certified by the Board under these regulations;
- (d) "collective agreement" means an agreement in writing between an employer or an employers' organization on the one hand and a trade union or an employees' organization on the other hand containing provisions with reference to rates of pay, hours of work or other working conditions;
- (e) "Conciliation Board" means a Board appointed by the Minister under section fourteen;
- (f) "employee" means a person employed by an employer to do skilled or unskilled manual, clerical or technical work; but does not include
 - (i) a person employed in a confidential capacity or having authority to employ or discharge employees; or
 - (ii) a person employed in domestic service, agriculture, horticulture, hunting or trapping;
- (g) "employer" means a person employing more than one employee and includes
 - (i) the National Harbours Board; and
 - (ii) any other body incorporated to act as an agent of His Majesty in right of Canada except any such body whose employees are entitled to a cost-of-living bonus under the order made by the Governor in Council on the twenty-sixth day of August, nineteen hundred and forty-one, for the payment of a cost-of-living bonus to employees of the Government of Canada (P.C. 6702), as amended;

but does not include His Majesty or any person or corporation acting for or on behalf of or as an agent of His Majesty except as hereinbefore expressly provided;
- (h) "employers' organization" means an organization of employers formed to regulate relations between employers and employees;
- (i) "employees' organization" means an organization of employees formed to regulate relations between employers and employees;
- (j) "lockout" includes the closing of a place of employment, a suspension of work or a refusal by an employer to continue to employ a number of his employees, done to compel his employees, or to aid another employer to compel his employees, to accept terms of employment;
- (k) "Minister" means the Minister of Labour for Canada;
- (l) "prescribed" means prescribed by the Board;
- (m) "strike" or "to go on strike" includes the cessation of work by a body of employees acting in combination or a concerted refusal or a refusal under a common understanding of a number of employees to continue to work for an employer, done to compel their employer, or to aid other employees to compel their employer, to accept terms of employment;
- (n) "trade union" means a provincial, national or international employees' organization, or a local branch chartered by, and in good standing with, such an organization;

- (o) a reference to a section by number only is a reference to the section in these regulations bearing that number and a reference to a subsection by number only is a reference to the subsection bearing that number in the section where the reference occurs;
- (p) words importing the masculine gender include corporations, trade unions, employees' organizations and employers' organizations as well as females.

(2) No employee shall cease to be such within the meaning of these regulations by reason only of his ceasing to work as the result of a lockout, strike or his wrongful dismissal.

APPLICATION

3. (1) These regulations apply in the case of employees

- (a) who are employed upon or in connection with a work, undertaking or business that is ordinarily within the legislative authority of Parliament, including, but not so as to restrict the generality of the foregoing,
 - (i) works, undertakings or businesses operated or carried on for or in connection with navigation and shipping, whether inland or maritime;
 - (ii) lines of steam or other ships, railways, canals, telegraphs and other works and undertakings connecting any province with any other or others of the provinces, or extending beyond the limits of the province;
 - (iii) lines of steamships between a province and any British or foreign country;
 - (iv) ferries between any province and any British or foreign country, or between two provinces; and
 - (v) such works as, although wholly situated within the province, have been or may be declared by the Parliament of Canada to be for the general advantage of Canada, or for the advantage of two or more of the provinces;
- (b) who are employed upon or in connection with a work, undertaking or business that is essential to the efficient prosecution of the war; or
- (c) whose relations with their employers in matters covered by these regulations are ordinarily within the exclusive legislative jurisdiction of a provincial legislature to regulate and to whom these regulations have been applied by the provincial legislature in respect of their relations with their employers;

and to the employers of all such employees in their relations with such employees and to trade unions, employees' organizations and employers' organizations composed of such employees or employers.

(2) For the purposes of this section, the employees employed in a work, undertaking or business described in Schedule A to these regulations, and no others, shall be deemed to be employed in connection with a work, undertaking or business that is essential to the efficient prosecution of the war.

(3) Schedule A to these regulations may be amended, either by the addition or deletion of a class of employees, by an order made by the Governor General in Council.

(4) If a provincial legislature applies these regulations to any employees as provided for in paragraph (c) of subsection one, every person on whom duties are imposed and in whom powers are vested by these

regulations shall perform and exercise such duties and powers with reference to such employees and their employers and trade unions, employees' organizations, and employers' organizations composed of such employees and employers in all respects as in the case of employees mentioned in paragraphs (a) and (b) of subsection one and their employers and employees' organizations and trade unions and employers' organizations composed of such employees and employers.

RIGHTS OF EMPLOYEES AND EMPLOYERS

4. (1) Every employee shall have the right to be a member of a trade union or employees' organization and to participate in the lawful activities thereof.

(2) Every employer shall have the right to be a member of an employers' organization and to participate in the lawful activities thereof.

(3) Where bargaining representatives have been certified under section eight, the bargaining representatives or the employees' employer may, in accordance with the procedure hereinafter set out, enter into negotiations with a view to the completion of a collective agreement between the employer concerned on the one hand and the trade union or employees' organization on the other hand.

CERTIFICATION OF BARGAINING REPRESENTATIVES

5. (1) The employees of any employer may elect bargaining representatives by a majority vote of the employees affected.

(2) If the majority of the employees affected are members of one trade union, that trade union may elect or appoint its officers or other persons as bargaining representatives on behalf of all the employees affected; for the purpose of this section, an employee shall be deemed to be a member of the trade union if he has in writing requested the trade union to elect or appoint bargaining representatives on his behalf.

(3) Where more than one employer and their employees desire to negotiate a collective agreement, the employees of such employers may elect bargaining representatives by a majority vote of the employees affected of each employer, or, if the majority of the employees affected of each employer are members of one trade union that trade union may elect or appoint its officers or other persons as bargaining representatives on behalf of all the employees affected.

(4) If in accordance with established trade union practice the majority of a group of employees who belong to a craft by reason of which they are distinguishable from the employees as a whole, are separately organized into a trade union pertaining to the craft, such trade union may elect or appoint its officers or other persons as bargaining representatives on behalf of the employees belonging to that craft. Where any group claims and is entitled to the rights conferred by this subsection, the employees comprising the craft shall not be entitled to vote for any of the purposes of collective bargaining with that employer, except when the collective bargaining is in respect only of the craft to which they belong; nor shall they in any manner be taken into account in the computation of a majority in respect of any matter regarding which they are not entitled to vote.

(5) Two or more trade unions may, by agreement, join in electing bargaining representatives on terms consistent with these regulations.

6. When bargaining representatives have been elected or appointed, application may be made to the Board by or on behalf of such representatives for their certification as the bargaining representatives of the employees affected.

7. Upon such application the Board shall by an examination of records, by a vote or otherwise, satisfy itself that an election or appointment of bargaining representatives was regularly and properly made, and in the

case of a trade union, that the trade union acted with the authority of the majority of the employees affected as prescribed by subsection two of section five, and that the unit of employees concerned is one which is appropriate for collective bargaining; and if the Board is not so satisfied, it shall reject the application.

8. (1) Where the Board is satisfied that the bargaining representatives have been duly elected or appointed, it shall certify them as bargaining representatives and shall specify the unit of employees on whose behalf the representatives so certified are authorized to act, and a collective agreement negotiated by such representatives shall be binding on every employee in the specified unit of employees.

(2) When bargaining representatives have been certified by the Board, the Board shall notify the applicants and the employer concerned of the certification.

9. At any time after the expiry of ten months of the term of a collective agreement, whether entered into before or after the effective date of these regulations, the employees affected may elect new bargaining representatives in the manner provided in section five and application may be made to the Board by or on behalf of such bargaining representatives for their certification. Upon receipt of such application the Board shall deal with the same as in the case of an initial application for certification under the regulations. If on such application the Board certifies new bargaining representatives, they shall be substituted for the previous bargaining representatives of the employees affected as a party to the agreement in question, and as such may give notice of the termination thereof as provided for in the agreement or under these regulations.

NEGOTIATION OF COLLECTIVE AGREEMENT

10. (1) When bargaining representatives have been certified under these regulations they may give the employer concerned, or the employer concerned may give the bargaining representatives, ten clear days' notice requiring that he or they, as the case may be, enter into negotiations with a view to the completion of a collective agreement.

(2) The parties shall negotiate in good faith with one another and make every reasonable effort to conclude a collective agreement.

(3) At the request of the bargaining representatives they may be accompanied during the negotiations by officers or agents of the trade union or employees' organization concerned.

(4) No collective agreement containing wage provisions shall be executed insofar as it involves any change in existing wage rates or other wage provisions until the appropriate War Labour Board has approved any such change, but it may nevertheless be executed as to the other provisions before such approval is received.

(5) Every party to a collective agreement and every employee upon whom a collective agreement is made binding by these regulations shall do everything he is, by the collective agreement, required to do and shall abstain from doing anything he is, by the collective agreement, required not to do.

11. If negotiations for an agreement have continued for thirty days and either party to the negotiations believes that an agreement will not be completed in a reasonable time, it may so advise the Board indicating the difficulties encountered and may ask the Board to intervene with a view to the completion of an agreement.

12. (1) Upon receipt of advice under section eleven, the Board shall refer the matter to the Minister, who shall, within three days instruct a conciliation officer to confer with the parties and attempt to effect an agreement.

(2) A conciliation officer who has been instructed to confer with the

parties under subsection one of this section, shall, within fourteen days of receiving his instructions, or within such longer period as the Minister may allow, report to the Minister setting out in full:—

- (a) the matters, if any, on which the parties cannot agree and his recommendations with regard thereto;
- (b) the terms, if any, upon which the parties have agreed; and
- (c) whether, in his view, an agreement might be facilitated by appointment of a Conciliation Board.

13. (1) If a conciliation officer who has been instructed to confer with the parties recommends the appointment of a Conciliation Board, the Minister shall forthwith appoint a Conciliation Board consisting of three members appointed by the Minister after consultation with the parties as required by section thirty.

(2) A Conciliation Board appointed under this section shall, upon its appointment, endeavour to effect an agreement between the parties on the matters on which they have not agreed and, in any event, shall report the result of its endeavours and its findings and recommendations to the Minister within fourteen days of the appointment of the chairman thereof, or within such longer period as may be agreed upon by the parties or as may be allowed by the Minister.

14. If a Conciliation Board's report to the Minister shows that it has been unable to effect an agreement between the parties, the Minister shall cause a copy thereof to be sent forthwith to the parties and to the Board, and he may publish it in such manner as he thinks fit.

DURATION AND RENEWAL OF AGREEMENTS

15. No collective agreement shall be made for a term of less than one year, but where the term of an agreement is more than one year, the agreement shall contain or be deemed to contain a provision for the termination thereof at any time after one year on two months' notice by either party thereto.

16. Either party to a collective agreement may, on ten clear days' notice, require the other party to enter into negotiations for the renewal of the agreement within the period of two months prior to the expiry date, and both parties shall thereupon enter into such negotiations in good faith and make every reasonable effort to secure such a renewal.

GRIEVANCE PROCEDURE

17. Where an employee alleges that there has been a misinterpretation or a violation of a collective agreement, the employee shall submit the same for consideration and final settlement in accordance with the procedure established by the collective agreement, if any, or the procedure established by the Board for such case; and the employee and his employer shall do such things as are required of them by the procedure and such things as are required of them by the terms of the settlement.

18. (1) Every collective agreement made after these regulations come into force shall contain a provision establishing a procedure for final settlement, without stoppage of work, on the application of either party, of differences concerning its interpretation or violation.

(2) Where a collective agreement does not provide an appropriate procedure for consideration and settlement of disputes concerning its interpretation or violation thereof, the Board shall, upon application, by order, establish such a procedure.

UNFAIR PRACTICES

19. (1) No employer shall dominate or interfere with the formation or administration of a trade union or employees' organization or contribute

financial or other support to it; but an employer may, notwithstanding the foregoing, permit an employee or representative of a trade union or an employees' organization to confer with him during working hours or to attend to the business of the organization or union during working hours without deduction of time so occupied in the computation of the time worked for the employer and without deduction of wages in respect thereof.

(2) No employer or employers' organization, and no person acting on behalf of same shall

- (a) refuse to employ any person because the person is a member of a trade union or an employees' organization;
- (b) impose any condition in the contract of employment seeking to restrain an employee from exercising his rights under these regulations; or
- (c) seek by intimidation, by dismissal or threat of dismissal, by any other kind of threat, by the imposition of a pecuniary or other penalty, or by any other means whatsoever, to compel an employee to abstain from becoming or continuing to be a member or officer or representative of a trade union or an employees' organization, or from exercising his lawful rights;

but nothing in these regulations shall be interpreted to affect, otherwise than as expressly stated, the right of an employer to suspend, transfer, lay off, or discharge employees for appropriate and sufficient cause.

20. (1) No person shall, with a view to compelling or influencing a person to join a trade union or employees' organization, use coercion or intimidation of any kind, but this subsection shall not be construed to prohibit the inclusion of any provision in a collective agreement.

(2) Except with the consent of the employer, no trade union or employees' organization, and no person authorized by the union or employees' organization to act on its behalf, shall attempt, at the employee's place of employment during his working hours, to persuade an employee to join the trade union or employees' organization.

(3) No trade union or employees' organization and no person acting on its behalf shall support, encourage, condone or engage in a "slowdown" or other activity designed to restrict or limit production; but this provision shall not be interpreted to limit a trade union's legal right to strike and a thing required by a provision in a collective agreement for the safety or health of the employees shall be deemed not to be a "slowdown" or designed to restrict or limit production.

(4) No trade union or employees' organization, and no person acting on its behalf, shall participate in, or in any way interfere with, the formation or administration of an employers' organization.

STRIKES AND LOCKOUTS

21. (1) No employee shall go on strike until

- (a) bargaining representatives have been elected or appointed for the employees affected; and
- (b) an attempt has been made to effect an agreement under sections eleven and twelve, and fourteen days have elapsed since the Conciliation Board reported to the Minister.

(2) Where an application has been made under these regulations for the certification of bargaining representatives, the employer of the employees affected shall not declare or cause a lockout of the employees until an attempt has been made to effect an agreement under sections eleven and twelve, and fourteen days have elapsed since the Conciliation Board reported to the Minister.

(3) No employer who is a party to a collective agreement shall declare or cause a lockout and no employee bound thereby shall go on strike during the term of the collective agreement.

(4) Where a dispute has arisen by reason of a change in the existing terms of employment proposed by the employer, the employer shall not, without the consent of the employees affected, make such change effective until a period of two months has elapsed from the date when the employer notified the employees of such proposed change.

(5) Nothing in these regulations shall be interpreted to prohibit the suspension or discontinuance of an industry or of the working of any persons therein for a cause not constituting a lockout or a strike.

INFORMATION

22. (1) Each of the parties to a collective agreement shall forthwith upon its execution file one copy with the Board.

(2) The Board may require any employers' organization or trade union or local branch thereof, or an employees' organization affected by any application for certification of bargaining representatives, or affected by an existing collective agreement, to file with the Board;

(a) a statutory declaration stating the names and addresses of its officers; or

(b) a copy of its constitution and by-laws.

(3) Every employers' organization, trade union and employees' organization shall furnish to its members within three months of the end of its fiscal year a statement of its income and expenditures, and if required by the Board shall file a copy thereof with the Board for its information.

ADMINISTRATION

Wartime Labour Relations Board

23. There shall be a Board which shall be known as the Wartime Labour Relations Board and shall consist of a chairman, vice-chairman, and not more than eight other members.

24. (1) The members of the Board shall be appointed by the Governor in Council and shall hold office during pleasure.

(2) The head office of the Board shall be in Ottawa.

(3) A majority of the members of the Board shall constitute a quorum and in the absence of the chairman the vice-chairman shall act as chairman.

(4) A decision of the majority of the members of the Board present and constituting a quorum shall be the decision of the Board, and in the event of a tie the chairman or acting chairman shall have a casting vote.

(5) The Board and each member thereof shall have the powers of a Commissioner under Part I of the Inquiries Act.

(6) The Board and each member thereof may receive and accept such evidence and information on oath, affidavit or otherwise as in its or his discretion it or he may deem fit and proper whether admissible as evidence in a court of law or not.

(7) The Board shall determine its own procedure but shall in every case give an opportunity to all interested parties to present evidence and make representations.

(8) Each member of the Board shall, before acting as such, take and subscribe before the Clerk of the Privy Council and shall file in the office of the said Clerk an oath of office in the following form:—

"I do solemnly swear that I will faithfully, truly and impartially to the best of my judgment, skill and ability, execute and perform the office of member of the Wartime Labour Relations Board and will not, except in the discharge of my duties, disclose to any person any of the evidence or other matter brought before the said Board. So help me God."

25. (1) If a question arises under these regulations as to whether:

- (a) a person is an employer or employee;
- (b) the unit of employees appropriate for collective bargaining is the employer unit, craft unit, plant unit or a subdivision thereof;
- (c) an organization of employees or employers is a trade union, employees' organization or employers' organization;
- (d) an agreement is a collective agreement;
- (e) an employer, or certified bargaining representatives of employees, is negotiating in good faith;

the Board shall decide the question and its decision shall be final and conclusive for all the purposes of these regulations.

(2) If a question set out in subsection one arises in any legal proceedings, the Justice or Justices of the Peace, Magistrate, Judge or Court before whom it arises shall, if the question has not been decided by the Board, refer the question to the Board and defer further proceedings until the Board's decision is received.

(3) Any document purporting to contain or to be a copy of any regulation, direction, or order of the Board and purporting to be signed by a member of the Board or by an officer thereof shall be accepted by any court as evidence of the regulation, direction, or order therein contained or of which it purports to be a copy.

26. (1) The Board may, by order, delegate to any person, board or association all or any part of its jurisdiction relating to any particular matter.

(2) The Board may, by order, revoke any delegation made under this section and thereupon the jurisdiction so delegated shall revert in the Board.

27. (1) The Board may, with the approval of the Minister, make such regulations as may be necessary to enable it to discharge the duties imposed upon it by these regulations and to provide for the supervision and control of its officers, clerks and employees.

(2) The Board may prescribe anything, which, under these regulations, is to be prescribed.

(3) The Board, with the approval of the Minister, may appoint an executive committee to exercise its powers subject to such directions or conditions as the Board may specify.

28. (1) The members of the Board shall be paid such salaries as may be fixed by the Governor in Council and such expenses as may be incurred by them in the discharge of their duties.

(2) The Board may appoint an officer to be the Chief Executive Officer of the Board who shall be paid such salary as may be fixed by the Governor in Council.

(3) The Department of Labour shall furnish such technical and clerical assistance to the Board as may be possible, and the Board may, with the approval of the Governor in Council, employ such other officers and employees as may be necessary for the conduct of its business and may fix their remuneration.

CONCILIATION OFFICERS AND BOARDS

29. When he instructs a conciliation officer under section twelve, the Minister shall forth notify the parties thereof.

30. (1) Before appointing a Conciliation Board under section thirteen, the Minister shall by notice require each of the parties to the negotiations to recommend one person to be a member of the Conciliation Board within seven days of receipt of the notice; and the Minister shall, at the expiration of the said period, appoint two members, in his opinion, representative of the different points of view involved, after considering the recommendations, if any, received within the said period.

(2) The two members of the Conciliation Board appointed pursuant to subsection one shall, within five days of the day on which the last of them is appointed, recommend a third person to be a member and chairman of the Conciliation Board; and the Minister shall, on the expiration of the said period, appoint a person to be a third member and chairman of the Conciliation Board after considering the recommendation if received within the said period.

(3) No person

- (a) who has any pecuniary interest in the matters referred to the Board; or
- (b) who is acting, or has, within a period of six months preceding the date of his appointment, acted in the capacity of solicitor, legal adviser, counsel or paid agent of either of the parties;

shall act as a member of a Conciliation Board.

(4) When the Conciliation Board has been appointed, the Minister shall forthwith deliver to it a statement of the matters referred to it.

(5) Upon a person ceasing to be a member of a Conciliation Board before it has completed its work, the Minister shall appoint a member in his place in the same manner as the person who ceased to be a member was appointed.

31. (1) A Conciliation Board and each member thereof shall have the powers of a Commissioner under Part I of the Inquiries Act.

(2) A Conciliation Board and each member thereof may receive and accept such evidence and information on oath, affidavit or otherwise as in its or his discretion it or he may deem fit and proper whether admissible in evidence in a court of law or not.

(3) Each member of a Conciliation Board shall, before acting as such, take and subscribe before a person authorized to administer an oath or affirmation, and file with the Minister, an oath or affirmation in the following form:

"I do solemnly swear (affirm) that I will faithfully, truly and impartially to the best of my knowledge, skill and ability, execute and perform the office of member of the Conciliation Board appointed to and will not, except in the discharge of my duties, disclose to any person any of the evidence or other matter brought before the said Board. So help me God."

(4) The chairman may fix the time and place of sittings of a Conciliation Board after consultation with the other members of the Board; and he shall notify the parties as to the time and place so fixed.

(5) A Conciliation Board may determine its own procedure, but shall give full opportunity to all parties to present evidence and make representations.

(6) The chairman and one other member of a Conciliation Board shall be a quorum but, in the absence of a member, the others shall not proceed unless he has been given reasonable notice of the sitting.

(7) The decision of a majority of the members present at a sitting of a Conciliation Board shall be the decision of the Conciliation Board and in the event of a tie, the chairman shall have a casting vote.

(8) The report of the majority of its members shall be that of the Conciliation Board.

(9) After a Conciliation Board has made its report, the Minister may direct the Conciliation Board to reconsider and amplify or clarify any part thereof.

(10) After a Conciliation Board has made its report, the Minister shall send a copy thereof to the employer or employers' organization and to the trade union or employees' organization.

32. The Minister may provide a Conciliation Board with a secretary, stenographer, and such clerical or other assistance as to the Minister seems necessary for the performance of its duties.

33. Every person who is summoned by a Conciliation Board or a member thereof and duly attends as a witness shall be entitled to an allowance for expenses determined in accordance with the scale for the time being in force with respect to witnesses in civil suits in the superior courts in the province where the inquiry is being conducted, and in any event, he shall be entitled to not less than four dollars per day.

34. A Conciliation Board, or a member thereof, and, on being authorized in writing by the Conciliation Board, any other person, may, without any other warrant than this section, at any time, enter a building, mine, mine-workings, ship, vessel, factory, workshop, place, or premises of any kind wherein or in respect of which an industry is carried on, or work is being or has been done or commenced, or any matter or thing is taking place or has taken place, concerning the matters referred to the Conciliation Board, and may inspect and view any work, material, machinery, appliance or article therein, and interrogate any persons in or upon any such place, matter or thing hereinbefore mentioned; and no person shall hinder or obstruct the Board or any person authorized as aforesaid in the exercise of a power conferred by this section or refuse to answer an interrogation made as aforesaid.

35. (1) The members of Conciliation Board shall be remunerated for their services as follows:—

To a member other than the chairman, an allowance of five dollars a day for not more than three days during which he is engaged in considering the recommendation of a person to be the third member of the Board;

To each member of the Board, including the chairman, an allowance at the rate of twenty dollars for each day he is present when the Board sits and for each day necessarily spent travelling from his place of residence to a meeting of the Board and returning therefrom.

(2) Each member of a Conciliation Board is entitled to his actual necessary travelling expenses for each day that he spends in travelling from his place of residence to a meeting of the Board and returning therefrom.

(3) All expenses of a Conciliation Board, including expenses for transportation incurred by the members thereof or by persons engaged, under its orders, in making investigations under these regulations, salaries of employees and agents, and fees and mileage to witnesses, shall be allowed and paid upon the presentation of itemized vouchers therefor, approved by the chairman of the Board and forwarded by the chairman to the Minister.

The chairman shall forward to the Minister a detailed certified statement of the sittings of the Board, and of the members present at each sitting.

GENERAL

36. (1) The Minister may appoint or constitute administrative officers or agencies in any province and delegate to them such of his powers under these regulations as in his opinion is necessary for their proper administration.

(2) The Minister may with the approval of the Governor in Council, enter into an agreement with the government of any province to provide for the administration within that province of these regulations or any part thereof and such agreement may provide

- (a) the manner in which the Minister shall exercise the powers conferred on him by subsection one in respect of matters in that province;
- (b) for the transfer to the government of the province or some person or persons specified by the government of the province, of all or any part of the jurisdiction in respect of matters within that province conferred on the Board by these regulations, and for a procedure whereby an appeal may be had to the National Board from a decision made in the exercise of the jurisdiction so conferred; and
- (c) for reimbursement of the province in respect of expenses so incurred.

37. (1) The Minister may determine the salaries, fees and expenses to be paid to persons performing services under these regulations except where otherwise provided.

(2) The administrative expenses of the Board, other than the salaries and usual travelling expenses of departmental employees, shall be paid out of the War Appropriation.

ENFORCEMENT

38. Every person, trade union or employers' or employees' organization to whom an order is issued or who is required to do or abstain from doing anything by or pursuant to these regulations shall obey such order or do or abstain from doing such thing as required.

39. For the purpose of these regulations and of any proceedings taken thereunder, any notice or other communication sent through His Majesty's mails shall be presumed, unless the contrary is proved, to have been received by the addressee in the ordinary course of mail.

40. Every employer who declares or causes a lockout contrary to these regulations is guilty of an offence and liable upon summary conviction to a fine of not more than five hundred dollars for each day or part of a day that the lockout exists.

41. (1) Every employee who goes on strike contrary to these regulations is guilty of an offence and liable upon summary conviction to a fine of not more than twenty dollars for each day or part of a day that he is on strike.

(2) Every trade union and every other employees' organization that authorizes a strike contrary to these regulations is guilty of an offence and liable on summary conviction to a fine of not more than two hundred dollars for each day or part of a day that the strike continues.

42. Every person, trade union, employees' organization or employers' organization who contravenes any of the provisions of these regulations is guilty of an offence, and unless some penalty is expressly provided by these regulations for such contravention, liable on summary conviction, if an individual, to a penalty of not more than one hundred dollars, and if a corporation, employers' organization, employees' organization or trade union, to a penalty of not more than five hundred dollars.

43. Every person is guilty of an indictable offence and liable to a fine not exceeding five thousand dollars, and not less than five hundred dollars or to imprisonment for a term not exceeding five years and not less than six months, or to both such fine and such imprisonment, who corruptly

- (a) makes any offer, proposal, gift, loan or promise, or gives or offers any compensation or consideration, directly or indirectly, to a person concerned in the administration or enforcement of these regulations or having or expected to have any duties to perform thereunder, for the purpose of influencing such person in the performance of his duties; or
- (b) being a person concerned in the administration or enforcement of these regulations or having or expected to have any duties to perform thereunder, accepts or agrees to accept or allows to be accepted by any person under his control or for his benefit any such offer, proposal, gift, loan, promise, compensation or consideration.

44. (1) Every person is a party to and guilty of an offence under these regulations who

- (a) actually commits it;
- (b) does an act for the purpose of aiding any person to commit the offence;
- (c) abets any person in commission of the offence; or
- (d) counsels or procures any person to commit the offence.

(2) If an employers' organization, corporation, trade union or employees' organization, is guilty of an offence under these regulations, any officer of the employers' organization, corporation, trade union or employees' organization who assented to the commission of the offence is a party to and guilty of the offence.

45. No prosecution for an offence under these regulations shall be instituted except by or with the consent of the Board, evidenced by a certificate signed by or on behalf of the chairman of the Board, and in exercising its discretion as to whether any such consent should be granted, the Board may take into consideration disciplinary measures that have been taken by an employers' organization or a trade union or employees' organization against the accused.

46. The Minister may, notwithstanding any other provision in these regulations, instruct a conciliation officer to investigate any situation which in his opinion may be detrimental to the effective utilization of labour in the war effort.

MISCELLANEOUS

47. No proceeding under these regulations shall be deemed invalid by reason of any defect of form or any technical irregularity.

48. (1) The Industrial Disputes Investigation Act shall, except as to matters pending when these regulations come into force, be of no effect while this order is in force.

(2) The following Orders in Council are hereby revoked:—

- (a) The Order in Council made on the seventh day of November, nineteen hundred and thirty-nine, extending the application of the Industrial Disputes Investigation Act (P.C. 3495) as amended; and
- (b) The Order in Council made on the first day of December, nineteen hundred and forty-two, permitting employees of Crown companies to be members of trade unions (P.C. 10802).

(3) The following Orders in Council extending or varying the wartime application of the Industrial Disputes Investigation Act are hereby suspended to the extent that they are inconsistent with these regulations but shall otherwise remain in effect:—

- (a) The Order in Council made on the sixth day of June, nineteen hundred and forty-one (P.C. 4020) as amended; and
- (b) The Order in Council made on the sixteenth day of September, nineteen hundred and forty-one (P.C. 7307) as amended.

49. These regulations shall come into force on a day to be fixed by the Governor in Council.

SCHEDULE A

1. A work or undertaking engaged in mining or smelting operations;
2. A work, undertaking or business engaged in manufacturing or assembling aircraft parts;
3. A work, undertaking or business engaged in manufacturing or assembling tanks or universal carriers;
4. A work, undertaking or business engaged in manufacturing or assembling automobile or truck parts;
5. A work, undertaking or business engaged in smelting or refining aluminum;
6. A work, undertaking or business engaged in refining or producing oil or petroleum products;
7. A work, undertaking or business engaged in producing or processing natural or synthetic rubber;
8. A work, undertaking or business engaged in manufacturing chemicals for war purposes;
9. A work, undertaking or business engaged in producing or manufacturing steel for war industry or war purposes;
10. A work, undertaking or business engaged in building or construction or demolition projects under a contract or subcontract, intended for the use of His Majesty in right of Canada, including the construction, erection, repair, improvement or extension of buildings, aerodromes, harbours, dockyards, roads, defence fortifications, or other naval, military or air force works;
11. A work, undertaking or business engaged in shipbuilding, including shipbuilding accessories;
12. A work, undertaking or business engaged in the production of machinery, arms, shells, ammunition, explosives, implements of war, or naval, military or air stores;
13. A work, undertaking or business engaged in transportation or communication;
14. Public Service utilities, including gas, electric, water and power works, telegraph and telephone lines.

SCHEDULE B

to An Act to authorize the Application of the Wartime Labour Relations Regulations made under the War Measures Act (Canada) to certain Employees and Employers and to provide for the establishment of the Ontario Labour Relations Board.

P.C. 4020

(as amended by P.C. 4844; P.C. 7068; P.C. 496 and P.C. 4175, dated the 2nd day of July, 1941, the 10th day of September, 1941, the 19th day of January, 1943, and the 20th day of May, 1943, respectively.)

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 6th day of June, 1941.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS the Minister of Labour reports that the extension of the Industrial Disputes Investigation Act to war industries has necessarily resulted in a marked increase in the number of applications for Board of Conciliation and Investigation; and

That a number of such applications may have reference to disputes of a nature *prima facie* as not to warrant the appointment of a Board of Conciliation and Investigation;

THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Labour, and under the authority of the War Measures Act is pleased to order and it is hereby ordered as follows:

1. When in any industry to which the Industrial Disputes Investigation Act, as extended by P.C. 3495 and P.C. 1708, applies, a strike or lockout has occurred or seems to the Minister of Labour to be imminent and whether or not a Board of Conciliation and Investigation has been applied for and whether or not either of the parties to the dispute has submitted a declaration that, failing an adjustment of the dispute, a lockout or strike will be declared, and whether or not authority to declare such lockout or strike has been obtained, as required by Section 16 (2) of the Industrial Disputes Investigation Act, the Minister of Labour may refer the dispute to a tribunal to be designated as An Industrial Disputes Inquiry Commission, which shall make a preliminary investigation into the dispute promptly and, if a mutually satisfactory adjustment is not arrived at, shall advise the Minister on the matters at issue and whether the circumstances warrant the appointment of a Board of Conciliation and Investigation under the provisions of the Industrial Disputes Investigation Act, provided, however, that the Commission shall not offer any opinion as to the merits or substantial justice of such features of the case as may have to be submitted to a Board of Conciliation and Investigation.

2. An Industrial Disputes Inquiry Commission shall consist of one or more members appointed by the Minister of Labour and each member thereof shall have the full powers of a Commissioner under the provisions of the Inquiries Act, and may in the above circumstances inquire into any such dispute, lockout or strike or into any matters or circumstances connected therewith referred to such Commission by the Minister.

3. The members of an Industrial Disputes Inquiry Commission shall be remunerated for their services in accordance with the provisions of Section 52 of the Industrial Disputes Investigation Act.

4. All charges and expenses incurred by the Government in connection with the administration of these provisions shall be defrayed out of the appropriations provided by Parliament for the administration of the Industrial Disputes Investigation Act.

5. An Industrial Disputes Inquiry Commission shall, upon direction of the Minister of Labour, examine into any allegation that any person has been discharged or discriminated against for the reason that he is a member of or is working on behalf of a trade union or that any person has been improperly coerced or has been intimidated to induce him to join a trade union and, failing settlement of the matters at issue, shall forthwith report its findings and recommendations to the Minister of Labour. The Minister shall issue whatever order he deems necessary to effect such recommendations and such order shall be final and binding upon the employer and employees and any other person concerned.

(2) Any person refusing or failing to comply with an order of the Minister made under this section, shall be guilty of an offence and liable upon summary conviction to a fine not exceeding Five Hundred Dollars (\$500.00) for every day that such refusal or failure to comply continues.

6. Nothing in the foregoing shall be construed to give employees the right to work for or to attempt to organize a union in their working hours, at the place of their employment.

7. The provisions of Sections 57 and 59 of the Industrial Disputes Investigation Act shall apply with respect to any strike or lockout pending investigation by an Industrial Disputes Inquiry Commission.

8. The Minister of Labour may appoint an Industrial Disputes Inquiry Commission for the purpose of investigating any situation which in his opinion appears to be detrimental to the most effective utilization of labour in the war effort. The Commission shall report its findings and recommendations to the Minister of Labour who may take such steps as he deems necessary and desirable to effect such recommendations.

Wartime Labour Relations Regulations
made under the War Measures Act
(Canada) to certain Employees
and Employers and to pro-
vide for the establishment
of the Ontario Labour
Relations Board.

1st Reading

March 27th, 1944

2nd Reading

March 30th, 1944

3rd Reading

MR. DALEY

(Reprinted as amended in Committee of the
Whole House.)

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

Act to authorize the Application of the Wartime Labour Relations
regulations made under the War Measures Act (Canada) to certain
Employees and Employers and to provide for the
establishment of the Ontario Labour
Relations Board.

MR. DALEY

BILL

An Act to authorize the Application of the Wartime Labour Relations Regulations made under the War Measures Act (Canada) to certain Employees and Employers and to provide for the establishment of the Ontario Labour Relations Board.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**Interpre-
tation,—**

1. In this Act,—

"Board";

(a) "Board" shall mean Ontario Labour Relations Board;

"Minister";

(b) "Minister" shall mean Minister of Labour; and

"regula-
tions".

(c) "regulations" shall mean regulations made under this Act;

"Wartime
Labour
Relations
Regula-
tions".

(d) "Wartime Labour Relations Regulations" shall mean the Wartime Labour Relations Regulations made under the *War Measures Act* (Canada) by Order of the Governor-General in Council number P.C. 1003 and dated the 17th day of February, 1944.

R.S.C.
c. 206.

**Application
of Dominion
regulations.**

2.—(1) The Lieutenant-Governor in Council may provide for the application of,—

(a) the Wartime Labour Relations Regulations a copy of which is set forth as Schedule A to this Act;

(b) the regulations made by Order of the Governor-General in Council number P.C. 4020 and dated the 6th day of June, 1941, as amended by Orders of the Governor-General in Council numbers P.C. 4844, P.C. 7068, P.C. 496 and P.C. 4175, dated the 2nd day of July, 1941, the 10th day of September, 1941, the 19th day of January, 1943, and the 20th day of May, 1943, respectively, so far as they are not

inconsistent with the Wartime Labour Relations Regulations a copy of which is set forth as Schedule B to this Act;

(c) any amendments to such regulations; and

(d) any other regulations made under or pursuant to the *War Measures Act* (Canada),

to any or all employees whose relations with their employers are ordinarily within the exclusive legislative jurisdiction of this Legislature to regulate in the manner provided by such regulations and to the employers thereof.

(2) Any regulations or amendments thereto which are made applicable to any of the employees and employers mentioned in subsection 1 shall, subject to any order of the Lieutenant-Governor in Council, have the same force and effect as an Act of this Legislature and shall continue in full force and effect notwithstanding any revocation or amendment thereof made under the *War Measures Act* (Canada) and notwithstanding that because of the termination of the war or for any other reason they may become inoperative as regulations under the *War Measures Act* (Canada). Effect of
Dominion
regulations.

R.S.C.
c. 209.

3. Subject to the approval of the Lieutenant-Governor in Council, the Minister may enter into such agreement with the Minister of Labour for Canada as he may deem necessary for the purposes of this Act and of the administration in Ontario of the Wartime Labour Relations Regulations. Agreement
with
Dominion.

4.—(1) There shall be a board which shall be known as the Ontario Labour Relations Board and shall consist of a chairman and not more than six other members. Ontario
Labour
Relations
Board.

(2) The Board shall exercise such powers and perform such duties as may be vested in or imposed upon it by this Act, the *War Measures Act* (Canada) or any other Act of this Legislature or any regulation or agreement made under or pursuant to any of such Acts. Powers and
duties of
Board.

5.—(1) The chairman and the other members of the Board shall be appointed by the Lieutenant-Governor in Council upon the recommendation of the Minister and shall hold office during pleasure. Tenure of
office.

(2) The head office of the Board shall be in Toronto but the Board may sit at such other places as it deems expedient. Head office.

(3) A majority of the members of the Board shall constitute a quorum. Quorum.

Decision.

(4) A decision of the majority of the members of the Board present and constituting a quorum shall be the decision of the Board, and in the event of a tie the chairman or acting chairman shall have a casting vote.

Powers under Rev. Stat., c. 19.

(5) The Board and each member thereof shall have all the powers which may be conferred upon a commissioner appointed under *The Public Inquiries Act*.

Evidence.

(6) The Board and each member thereof may receive and accept such evidence and information on oath, affidavit or otherwise as in its or his discretion it or he may deem fit and proper whether admissible as evidence in a court of law or not.

Procedure.

(7) Subject to the approval of the Lieutenant-Governor in Council, the Board may make rules or regulations governing its procedure which are not inconsistent with the Wartime Labour Relations Regulations or any rules or regulations thereunder.

Oath of office.

(8) Each member of the Board shall, before acting as such, take and subscribe before the Clerk of the Executive Council and shall file in the office of such Clerk, an oath of office in the following form:

"I do solemnly swear that I will faithfully, truly and impartially, to the best of my judgment, skill and ability, execute and perform the office of member (or chairman) of the Ontario Labour Relations Board and will not, except in the discharge of my duties, disclose to any person any of the evidence or any other matter brought before the said Board. So help me God."

Officials and employees.

6.—(1) The Minister may appoint a Chief Executive Officer and such other officials and employees as may be required for the purpose of the Board.

Salaries.

(2) The Chairman, the other members of the Board, the Chief Executive Officer and the officials and employees appointed by the Minister, shall be paid such salaries as may be fixed by the Lieutenant-Governor in Council and such expenses as may be incurred by them in the discharge of their duties.

Expenses,—how paid.

7. The expenses of the Province incurred in carrying out the provisions of this Act and the Wartime Labour Relations Regulations shall be paid out of the Consolidated Revenue Fund.

Regulations.

8. The Lieutenant-Governor in Council may make regulations,—

(a) vesting such further powers in and imposing such further duties on the Board or the Minister as he may deem necessary for the carrying out of this Act;

- (b) providing that, for the purposes of the administration of this Act, the term "Minister" wherever used in any of the regulations or amendments thereto referred to in subsection 1 of section 2 shall mean Minister of Labour for Canada or Minister of Labour for Ontario, as the Lieutenant-Governor in Council in his discretion may deem advisable;
- (c) providing a right of appeal from orders, decisions and rulings of the Board to the Wartime Labour Relations Board established under the Wartime Labour Relations Regulations and prescribing the procedure upon appeals; and
- (d) generally for the better carrying out of the provisions of this Act.

9.—(1) *The Collective Bargaining Act, 1943*, is repealed, ^{1943, c. 4, repealed.} but for the purposes of this Act and, so far as it is within the competence of this Legislature to prescribe, for the purposes of any Act of the Parliament of Canada or regulations made thereunder, where any trade union or employees' organization is certified under *The Collective Bargaining Act, 1943*, either before or after the coming into force of this Act, as the collective bargaining agency for a unit or group of employees, the officers of such trade union or employees' organization shall be deemed to have been certified as bargaining representatives for such unit or group of employees under the Wartime Labour Relations Regulations as of the date of such certification, and such certification shall be deemed to have the same effect as if the Wartime Labour Relations Regulations had been in force prior thereto.

(2) All records belonging to or in the possession of The ^{Records.} Labour Court of Ontario shall be transferred to the Board, and shall be the property of the Crown in right of Ontario.

10. Subject to the provisions of section 9 and to any ^{Where Act} regulations referred to in section 2, this Act shall not apply ^{not to} apply. to,—

- (a) the industry of farming;
- (b) domestic servants;
- (c) members of any police force; and
- (d) any municipal corporation, board of public school trustees, board of separate school trustees, high

school board, board of education or any board or commission created or established by a municipal corporation pursuant to statutory authority unless such municipal corporation, board or commission has by by-law, if it has power to pass by-laws, or by resolution or minute, declared this Act applicable thereto and to its employees or any section thereof and any such by-law, resolution or minute may be revoked by a subsequent by-law, resolution or minute, as the case may be.

Orders, etc.,
of Board
final.

11. Subject to such right of appeal to the Wartime Labour Relations Board established under the Wartime Labour Relations Regulations as may be provided by the regulations, the orders, decisions and rulings of the Board shall be final and shall not be questioned, reviewed, restrained or removed by injunction, prohibition, mandamus, quo warranto, certiorari or otherwise by any court.

1943, c. 4,
1943, c. 11,
continued
in force.

12. Notwithstanding the provisions of *The Judicature Amendment Act, 1944*, or of section 9 hereof, *The Collective Bargaining Act, 1943*, and *The Judicature Amendment Act, 1943*, shall continue in full force and effect so far as may be necessary for the purposes of continuing any proceedings pending in The Labour Court of Ontario on the 20th day of March, 1944.

Suspension
of Rev.
Stat.,
c. 203.

13. The Lieutenant-Governor may by his Proclamation suspend the operation of *The Industrial Disputes Investigation Act* from and after a day to be named in the Proclamation until a day to be named in a further Proclamation.

Commence-
ment of Act.

14. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

15. This Act may be cited as *The Labour Relations Board Act, 1944*.

SCHEDULE A

to An Act to authorize the Application of the Wartime Labour Relations Regulations made under the War Measures Act (Canada) to certain Employees and Employers and to provide for the establishment of the Ontario Labour Relations Board.

P.C. 1003

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 17th day of February, 1944.

PRESENT:

HIS EXCELLENCY
THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS it is deemed to be in the public interest, especially during the war period and more particularly in industries essential to the prosecution of the war, that employers and employees collaborate for the advancement of the enterprises in which they are engaged;

That employers and employees should freely discuss matters of mutual interest with each other;

That differences between employers and employees should be settled by peaceful means; and

That both employers and employees should be free to organize for the conduct of negotiations between them and that a procedure should be established for such negotiations;

AND WHEREAS it is therefore deemed necessary, by reason of the war, for the security, defence, peace, order and welfare of Canada and for the effective prosecution of the war, that regulations be made in respect of such matters.

NOW, THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Labour and under the authority of the War Measures Act, chapter 206 of the Revised Statutes of Canada, 1927, is pleased to make the regulations hereto attached and they are hereby made and established accordingly.

A. D. P. HEENEY,
Clerk of the Privy Council.

SHORT TITLE

1. These regulations may be cited as the Wartime Labour Relations Regulations.

INTERPRETATION

2. (1) In these regulations unless the context otherwise requires,

(a) "appropriate War Labour Board" means, in connection with any matter the National War Labour Board or the Regional War Labour Board that has jurisdiction in the matter under the Wartime Wages Control Order, 1943;

- (b) "Board" means the Wartime Labour Relations Board established by these regulations;
- (c) "certified bargaining representative" means a bargaining representative certified by the Board under these regulations;
- (d) "collective agreement" means an agreement in writing between an employer or an employers' organization on the one hand and a trade union or an employees' organization on the other hand containing provisions with reference to rates of pay, hours of work or other working conditions;
- (e) "Conciliation Board" means a Board appointed by the Minister under section fourteen;
- (f) "employee" means a person employed by an employer to do skilled or unskilled manual, clerical or technical work; but does not include
 - (i) a person employed in a confidential capacity or having authority to employ or discharge employees; or
 - (ii) a person employed in domestic service, agriculture, horticulture, hunting or trapping;
- (g) "employer" means a person employing more than one employee and includes
 - (i) the National Harbours Board; and
 - (ii) any other body incorporated to act as an agent of His Majesty in right of Canada except any such body whose employees are entitled to a cost-of-living bonus under the order made by the Governor in Council on the twenty-sixth day of August, nineteen hundred and forty-one, for the payment of a cost-of-living bonus to employees of the Government of Canada (P.C. 6702), as amended;

but does not include His Majesty or any person or corporation acting for or on behalf of or as an agent of His Majesty except as hereinbefore expressly provided;
- (h) "employers' organization" means an organization of employers formed to regulate relations between employers and employees;
- (i) "employees' organization" means an organization of employees formed to regulate relations between employers and employees;
- (j) "lockout" includes the closing of a place of employment, a suspension of work or a refusal by an employer to continue to employ a number of his employees, done to compel his employees, or to aid another employer to compel his employees, to accept terms of employment;
- (k) "Minister" means the Minister of Labour for Canada;
- (l) "prescribed" means prescribed by the Board;
- (m) "strike" or "to go on strike" includes the cessation of work by a body of employees acting in combination or a concerted refusal or a refusal under a common understanding of a number of employees to continue to work for an employer, done to compel their employer, or to aid other employees to compel their employer, to accept terms of employment;
- (n) "trade union" means a provincial, national or international employees' organization, or a local branch chartered by, and in good standing with, such an organization;

- (o) a reference to a section by number only is a reference to the section in these regulations bearing that number and a reference to a subsection by number only is a reference to the subsection bearing that number in the section where the reference occurs;
- (p) words importing the masculine gender include corporations, trade unions, employees' organizations and employers' organizations as well as females.

(2) No employee shall cease to be such within the meaning of these regulations by reason only of his ceasing to work as the result of a lockout, strike or his wrongful dismissal.

APPLICATION

3. (1) These regulations apply in the case of employees

- (a) who are employed upon or in connection with a work, undertaking or business that is ordinarily within the legislative authority of Parliament, including, but not so as to restrict the generality of the foregoing,
 - (i) works, undertakings or businesses operated or carried on for or in connection with navigation and shipping, whether inland or maritime;
 - (ii) lines of steam or other ships, railways, canals, telegraphs and other works and undertakings connecting any province with any other or others of the provinces, or extending beyond the limits of the province;
 - (iii) lines of steamships between a province and any British or foreign country;
 - (iv) ferries between any province and any British or foreign country, or between two provinces; and
 - (v) such works as, although wholly situate within the province, have been or may be declared by the Parliament of Canada to be for the general advantage of Canada, or for the advantage of two or more of the provinces;
- (b) who are employed upon or in connection with a work, undertaking or business that is essential to the efficient prosecution of the war; or
- (c) whose relations with their employers in matters covered by these regulations are ordinarily within the exclusive legislative jurisdiction of a provincial legislature to regulate and to whom these regulations have been applied by the provincial legislature in respect of their relations with their employers;

and to the employers of all such employees in their relations with such employees and to trade unions, employees' organizations and employers' organizations composed of such employees or employers.

(2) For the purposes of this section, the employees employed in a work, undertaking or business described in Schedule A to these regulations, and no others, shall be deemed to be employed in connection with a work, undertaking or business that is essential to the efficient prosecution of the war.

(3) Schedule A to these regulations may be amended, either by the addition or deletion of a class of employees, by an order made by the Governor General in Council.

(4) If a provincial legislature applies these regulations to any employees as provided for in paragraph (c) of subsection one, every person on whom duties are imposed and in whom powers are vested by these

regulations shall perform and exercise such duties and powers with reference to such employees and their employers and trade unions, employees' organizations, and employers' organizations composed of such employees and employers in all respects as in the case of employees mentioned in paragraphs (a) and (b) of subsection one and their employers and employees' organizations and trade unions and employers' organizations composed of such employees and employers.

RIGHTS OF EMPLOYEES AND EMPLOYERS

4. (1) Every employee shall have the right to be a member of a trade union or employees' organization and to participate in the lawful activities thereof.

(2) Every employer shall have the right to be a member of an employers' organization and to participate in the lawful activities thereof.

(3) Where bargaining representatives have been certified under section eight, the bargaining representatives or the employees' employer may, in accordance with the procedure hereinafter set out, enter into negotiations with a view to the completion of a collective agreement between the employer concerned on the one hand and the trade union or employees' organization on the other hand.

CERTIFICATION OF BARGAINING REPRESENTATIVES

5. (1) The employees of any employer may elect bargaining representatives by a majority vote of the employees affected.

(2) If the majority of the employees affected are members of one trade union, that trade union may elect or appoint its officers or other persons as bargaining representatives on behalf of all the employees affected; for the purpose of this section, an employee shall be deemed to be a member of the trade union if he has in writing requested the trade union to elect or appoint bargaining representatives on his behalf.

(3) Where more than one employer and their employees desire to negotiate a collective agreement, the employees of such employers may elect bargaining representatives by a majority vote of the employees affected of each employer, or, if the majority of the employees affected of each employer are members of one trade union that trade union may elect or appoint its officers or other persons as bargaining representatives on behalf of all the employees affected.

(4) If in accordance with established trade union practice the majority of a group of employees who belong to a craft by reason of which they are distinguishable from the employees as a whole, are separately organized into a trade union pertaining to the craft, such trade union may elect or appoint its officers or other persons as bargaining representatives on behalf of the employees belonging to that craft. Where any group claims and is entitled to the rights conferred by this subsection, the employees comprising the craft shall not be entitled to vote for any of the purposes of collective bargaining with that employer, except when the collective bargaining is in respect only of the craft to which they belong; nor shall they in any manner be taken into account in the computation of a majority in respect of any matter regarding which they are not entitled to vote.

(5) Two or more trade unions may, by agreement, join in electing bargaining representatives on terms consistent with these regulations.

6. When bargaining representatives have been elected or appointed, application may be made to the Board by or on behalf of such representatives for their certification as the bargaining representatives of the employees affected.

7. Upon such application the Board shall by an examination of records, by a vote or otherwise, satisfy itself that an election or appointment of bargaining representatives was regularly and properly made, and in the

case of a trade union, that the trade union acted with the authority of the majority of the employees affected as prescribed by subsection two of section five, and that the unit of employees concerned is one which is appropriate for collective bargaining; and if the Board is not so satisfied, it shall reject the application.

8. (1) Where the Board is satisfied that the bargaining representatives have been duly elected or appointed, it shall certify them as bargaining representatives and shall specify the unit of employees on whose behalf the representatives so certified are authorized to act, and a collective agreement negotiated by such representatives shall be binding on every employee in the specified unit of employees.

(2) When bargaining representatives have been certified by the Board, the Board shall notify the applicants and the employer concerned of the certification.

9. At any time after the expiry of ten months of the term of a collective agreement, whether entered into before or after the effective date of these regulations, the employees affected may elect new bargaining representatives in the manner provided in section five and application may be made to the Board by or on behalf of such bargaining representatives for their certification. Upon receipt of such application the Board shall deal with the same as in the case of an initial application for certification under the regulations. If on such application the Board certifies new bargaining representatives, they shall be substituted for the previous bargaining representatives of the employees affected as a party to the agreement in question, and as such may give notice of the termination thereof as provided for in the agreement or under these regulations.

NEGOTIATION OF COLLECTIVE AGREEMENT

10. (1) When bargaining representatives have been certified under these regulations they may give the employer concerned, or the employer concerned may give the bargaining representatives, ten clear days' notice requiring that he or they, as the case may be, enter into negotiations with a view to the completion of a collective agreement.

(2) The parties shall negotiate in good faith with one another and make every reasonable effort to conclude a collective agreement.

(3) At the request of the bargaining representatives they may be accompanied during the negotiations by officers or agents of the trade union or employees' organization concerned.

(4) No collective agreement containing wage provisions shall be executed insofar as it involves any change in existing wage rates or other wage provisions until the appropriate War Labour Board has approved any such change, but it may nevertheless be executed as to the other provisions before such approval is received.

(5) Every party to a collective agreement and every employee upon whom a collective agreement is made binding by these regulations shall do everything he is, by the collective agreement, required to do and shall abstain from doing anything he is, by the collective agreement, required not to do.

11. If negotiations for an agreement have continued for thirty days and either party to the negotiations believes that an agreement will not be completed in a reasonable time, it may so advise the Board indicating the difficulties encountered and may ask the Board to intervene with a view to the completion of an agreement.

12. (1) Upon receipt of advice under section eleven, the Board shall refer the matter to the Minister, who shall, within three days instruct a conciliation officer to confer with the parties and attempt to effect an agreement.

(2) A conciliation officer who has been instructed to confer with the

parties under subsection one of this section, shall, within fourteen days of receiving his instructions, or within such longer period as the Minister may allow, report to the Minister setting out in full:—

- (a) the matters, if any, on which the parties cannot agree and his recommendations with regard thereto;
- (b) the terms, if any, upon which the parties have agreed; and
- (c) whether, in his view, an agreement might be facilitated by appointment of a Conciliation Board.

13. (1) If a conciliation officer who has been instructed to confer with the parties recommends the appointment of a Conciliation Board, the Minister shall forthwith appoint a Conciliation Board consisting of three members appointed by the Minister after consultation with the parties as required by section thirty.

(2) A Conciliation Board appointed under this section shall, upon its appointment, endeavour to effect an agreement between the parties on the matters on which they have not agreed and, in any event, shall report the result of its endeavours and its findings and recommendations to the Minister within fourteen days of the appointment of the chairman thereof, or within such longer period as may be agreed upon by the parties or as may be allowed by the Minister.

14. If a Conciliation Board's report to the Minister shows that it has been unable to effect an agreement between the parties, the Minister shall cause a copy thereof to be sent forthwith to the parties and to the Board, and he may publish it in such manner as he thinks fit.

DURATION AND RENEWAL OF AGREEMENTS

15. No collective agreement shall be made for a term of less than one year, but where the term of an agreement is more than one year, the agreement shall contain or be deemed to contain a provision for the termination thereof at any time after one year on two months' notice by either party thereto.

16. Either party to a collective agreement may, on ten clear days' notice, require the other party to enter into negotiations for the renewal of the agreement within the period of two months prior to the expiry date, and both parties shall thereupon enter into such negotiations in good faith and make every reasonable effort to secure such a renewal.

GRIEVANCE PROCEDURE

17. Where an employee alleges that there has been a misinterpretation or a violation of a collective agreement, the employee shall submit the same for consideration and final settlement in accordance with the procedure established by the collective agreement, if any, or the procedure established by the Board for such case; and the employee and his employer shall do such things as are required of them by the procedure and such things as are required of them by the terms of the settlement.

18. (1) Every collective agreement made after these regulations come into force shall contain a provision establishing a procedure for final settlement, without stoppage of work, on the application of either party, of differences concerning its interpretation or violation.

(2) Where a collective agreement does not provide an appropriate procedure for consideration and settlement of disputes concerning its interpretation or violation thereof, the Board shall, upon application, by order, establish such a procedure.

UNFAIR PRACTICES

19. (1) No employer shall dominate or interfere with the formation or administration of a trade union or employees' organization or contribute

financial or other support to it; but an employer may, notwithstanding the foregoing, permit an employee or representative of a trade union or an employees' organization to confer with him during working hours or to attend to the business of the organization or union during working hours without deduction of time so occupied in the computation of the time worked for the employer and without deduction of wages in respect thereof.

(2) No employer or employers' organization, and no person acting on behalf of same shall

- (a) refuse to employ any person because the person is a member of a trade union or an employees' organization;
- (b) impose any condition in the contract of employment seeking to restrain an employee from exercising his rights under these regulations; or
- (c) seek by intimidation, by dismissal or threat of dismissal, by any other kind of threat, by the imposition of a pecuniary or other penalty, or by any other means whatsoever, to compel an employee to abstain from becoming or continuing to be a member or officer or representative of a trade union or an employees' organization, or from exercising his lawful rights;

but nothing in these regulations shall be interpreted to affect, otherwise than as expressly stated, the right of an employer to suspend, transfer, lay off, or discharge employees for appropriate and sufficient cause.

20. (1) No person shall, with a view to compelling or influencing a person to join a trade union or employees' organization, use coercion or intimidation of any kind, but this subsection shall not be construed to prohibit the inclusion of any provision in a collective agreement.

(2) Except with the consent of the employer, no trade union or employees' organization, and no person authorized by the union or employees' organization to act on its behalf, shall attempt, at the employee's place of employment during his working hours, to persuade an employee to join the trade union or employees' organization.

(3) No trade union or employees' organization and no person acting on its behalf shall support, encourage, condone or engage in a "slowdown" or other activity designed to restrict or limit production; but this provision shall not be interpreted to limit a trade union's legal right to strike and a thing required by a provision in a collective agreement for the safety or health of the employees shall be deemed not to be a "slowdown" or designed to restrict or limit production.

(4) No trade union or employees' organization, and no person acting on its behalf, shall participate in, or in any way interfere with, the formation or administration of an employers' organization.

STRIKES AND LOCKOUTS

21. (1) No employee shall go on strike until

- (a) bargaining representatives have been elected or appointed for the employees affected; and
- (b) an attempt has been made to effect an agreement under sections eleven and twelve, and fourteen days have elapsed since the Conciliation Board reported to the Minister.

(2) Where an application has been made under these regulations for the certification of bargaining representatives, the employer of the employees affected shall not declare or cause a lockout of the employees until an attempt has been made to effect an agreement under sections eleven and twelve, and fourteen days have elapsed since the Conciliation Board reported to the Minister.

(3) No employer who is a party to a collective agreement shall declare or cause a lockout and no employee bound thereby shall go on strike during the term of the collective agreement.

(4) Where a dispute has arisen by reason of a change in the existing terms of employment proposed by the employer, the employer shall not, without the consent of the employees affected, make such change effective until a period of two months has elapsed from the date when the employer notified the employees of such proposed change.

(5) Nothing in these regulations shall be interpreted to prohibit the suspension or discontinuance of an industry or of the working of any persons therein for a cause not constituting a lockout or a strike.

INFORMATION

22. (1) Each of the parties to a collective agreement shall forthwith upon its execution file one copy with the Board.

(2) The Board may require any employers' organization or trade union or local branch thereof, or an employees' organization affected by any application for certification of bargaining representatives, or affected by an existing collective agreement, to file with the Board;

(a) a statutory declaration stating the names and addresses of its officers; or

(b) a copy of its constitution and by-laws.

(3) Every employers' organization, trade union and employees' organization shall furnish to its members within three months of the end of its fiscal year a statement of its income and expenditures, and if required by the Board shall file a copy thereof with the Board for its information.

ADMINISTRATION

Wartime Labour Relations Board

23. There shall be a Board which shall be known as the Wartime Labour Relations Board and shall consist of a chairman, vice-chairman, and not more than eight other members.

24. (1) The members of the Board shall be appointed by the Governor in Council and shall hold office during pleasure.

(2) The head office of the Board shall be in Ottawa.

(3) A majority of the members of the Board shall constitute a quorum and in the absence of the chairman the vice-chairman shall act as chairman.

(4) A decision of the majority of the members of the Board present and constituting a quorum shall be the decision of the Board, and in the event of a tie the chairman or acting chairman shall have a casting vote.

(5) The Board and each member thereof shall have the powers of a Commissioner under Part I of the Inquiries Act.

(6) The Board and each member thereof may receive and accept such evidence and information on oath, affidavit or otherwise as in its or his discretion it or he may deem fit and proper whether admissible as evidence in a court of law or not.

(7) The Board shall determine its own procedure but shall in every case give an opportunity to all interested parties to present evidence and make representations.

(8) Each member of the Board shall, before acting as such, take and subscribe before the Clerk of the Privy Council and shall file in the office of the said Clerk an oath of office in the following form:—

"I do solemnly swear that I will faithfully, truly and impartially to the best of my judgment, skill and ability, execute and perform the office of member of the Wartime Labour Relations Board and will not, except in the discharge of my duties, disclose to any person any of the evidence or other matter brought before the said Board. So help me God."

25. (1) If a question arises under these regulations as to whether:

- (a) a person is an employer or employee;
- (b) the unit of employees appropriate for collective bargaining is the employer unit, craft unit, plant unit or a subdivision thereof;
- (c) an organization of employees or employers is a trade union, employees' organization or employers' organization;
- (d) an agreement is a collective agreement;
- (e) an employer, or certified bargaining representatives of employees, is negotiating in good faith;

the Board shall decide the question and its decision shall be final and conclusive for all the purposes of these regulations.

(2) If a question set out in subsection one arises in any legal proceedings, the Justice or Justices of the Peace, Magistrate, Judge or Court before whom it arises shall, if the question has not been decided by the Board, refer the question to the Board and defer further proceedings until the Board's decision is received.

(3) Any document purporting to contain or to be a copy of any regulation, direction, or order of the Board and purporting to be signed by a member of the Board or by an officer thereof shall be accepted by any court as evidence of the regulation, direction, or order therein contained or of which it purports to be a copy.

26. (1) The Board may, by order, delegate to any person, board or association all or any part of its jurisdiction relating to any particular matter.

(2) The Board may, by order, revoke any delegation made under this section and thereupon the jurisdiction so delegated shall revert in the Board.

27. (1) The Board may, with the approval of the Minister, make such regulations as may be necessary to enable it to discharge the duties imposed upon it by these regulations and to provide for the supervision and control of its officers, clerks and employees.

(2) The Board may prescribe anything, which, under these regulations, is to be prescribed.

(3) The Board, with the approval of the Minister, may appoint an executive committee to exercise its powers subject to such directions or conditions as the Board may specify.

28. (1) The members of the Board shall be paid such salaries as may be fixed by the Governor in Council and such expenses as may be incurred by them in the discharge of their duties.

(2) The Board may appoint an officer to be the Chief Executive Officer of the Board who shall be paid such salary as may be fixed by the Governor in Council.

(3) The Department of Labour shall furnish such technical and clerical assistance to the Board as may be possible, and the Board may, with the approval of the Governor in Council, employ such other officers and employees as may be necessary for the conduct of its business and may fix their remuneration.

CONCILIATION OFFICERS AND BOARDS

29. When he instructs a conciliation officer under section twelve, the Minister shall forth notify the parties thereof.

30. (1) Before appointing a Conciliation Board under section thirteen, the Minister shall by notice require each of the parties to the negotiations to recommend one person to be a member of the Conciliation Board within seven days of receipt of the notice; and the Minister shall, at the expiration of the said period, appoint two members, in his opinion, repreative of the different points of view involved, after considering the recommendations, if any, received within the said period.

(2) The two members of the Conciliation Board appointed pursuant to subsection one shall, within five days of the day on which the last of them is appointed, recommend a third person to be a member and chairman of the Conciliation Board; and the Minister shall, on the expiration of the said period, appoint a person to be a third member and chairman of the Conciliation Board after considering the recommendation if received within the said period.

(3) No person

(a) who has any pecuniary interest in the matters referred to the Board; or

(b) who is acting, or has, within a period of six months preceding the date of his appointment, acted in the capacity of solicitor, legal adviser, counsel or paid agent of either of the parties;

shall act as a member of a Conciliation Board.

(4) When the Conciliation Board has been appointed, the Minister shall forthwith deliver to it a statement of the matters referred to it.

(5) Upon a person ceasing to be a member of a Conciliation Board before it has completed its work, the Minister shall appoint a member in his place in the same manner as the person who ceased to be a member was appointed.

31. (1) A Conciliation Board and each member thereof shall have the powers of a Commissioner under Part I of the Inquiries Act.

(2) A Conciliation Board and each member thereof may receive and accept such evidence and information on oath, affidavit or otherwise as in its or his discretion it or he may deem fit and proper whether admissible in evidence in a court of law or not.

(3) Each member of a Conciliation Board shall, before acting as such, take and subscribe before a person authorized to administer an oath or affirmation, and file with the Minister, an oath or affirmation in the following form:

"I do solemnly swear (affirm) that I will faithfully, truly and impartially to the best of my knowledge, skill and ability, execute and perform the office of member of the Conciliation Board appointed to and will not, except in the discharge of my duties, disclose to any person any of the evidence or other matter brought before the said Board. So help me God."

(4) The chairman may fix the time and place of sittings of a Conciliation Board after consultation with the other members of the Board; and he shall notify the parties as to the time and place so fixed.

(5) A Conciliation Board may determine its own procedure, but shall give full opportunity to all parties to present evidence and make representations.

(6) The chairman and one other member of a Conciliation Board shall be a quorum but, in the absence of a member, the others shall not proceed unless he has been given reasonable notice of the sitting.

(7) The decision of a majority of the members present at a sitting of a Conciliation Board shall be the decision of the Conciliation Board and in the event of a tie, the chairman shall have a casting vote.

(8) The report of the majority of its members shall be that of the Conciliation Board.

(9) After a Conciliation Board has made its report, the Minister may direct the Conciliation Board to reconsider and amplify or clarify any part thereof.

(10) After a Conciliation Board has made its report, the Minister shall send a copy thereof to the employer or employers' organization and to the trade union or employees' organization.

32. The Minister may provide a Conciliation Board with a secretary, stenographer, and such clerical or other assistance as to the Minister seems necessary for the performance of its duties.

33. Every person who is summoned by a Conciliation Board or a member thereof and duly attends as a witness shall be entitled to an allowance for expenses determined in accordance with the scale for the time being in force with respect to witnesses in civil suits in the superior courts in the province where the inquiry is being conducted, and in any event, he shall be entitled to not less than four dollars per day.

34. A Conciliation Board, or a member thereof, and, on being authorized in writing by the Conciliation Board, any other person, may, without any other warrant than this section, at any time, enter a building, mine, mine-workings, ship, vessel, factory, workshop, place, or premises of any kind wherein or in respect of which an industry is carried on, or work is being or has been done or commenced, or any matter or thing is taking place or has taken place, concerning the matters referred to the Conciliation Board, and may inspect and view any work, material, machinery, appliance or article therein, and interrogate any persons in or upon any such place, matter or thing hereinbefore mentioned; and no person shall hinder or obstruct the Board or any person authorized as aforesaid in the exercise of a power conferred by this section or refuse to answer an interrogation made as aforesaid.

35. (1) The members of Conciliation Board shall be remunerated for their services as follows:—

To a member other than the chairman, an allowance of five dollars a day for not more than three days during which he is engaged in considering the recommendation of a person to be the third member of the Board;

To each member of the Board, including the chairman, an allowance at the rate of twenty dollars for each day he is present when the Board sits and for each day necessarily spent travelling from his place of residence to a meeting of the Board and returning therefrom.

(2) Each member of a Conciliation Board is entitled to his actual necessary travelling expenses for each day that he spends in travelling from his place of residence to a meeting of the Board and returning therefrom.

(3) All expenses of a Conciliation Board, including expenses for transportation incurred by the members thereof or by persons engaged, under its orders, in making investigations under these regulations, salaries of employees and agents, and fees and mileage to witnesses, shall be allowed and paid upon the presentation of itemized vouchers therefor, approved by the chairman of the Board and forwarded by the chairman to the Minister.

The chairman shall forward to the Minister a detailed certified statement of the sittings of the Board, and of the members present at each sitting.

GENERAL

36. (1) The Minister may appoint or constitute administrative officers or agencies in any province and delegate to them such of his powers under these regulations as in his opinion is necessary for their proper administration.

(2) The Minister may with the approval of the Governor in Council, enter into an agreement with the government of any province to provide for the administration within that province of these regulations or any part thereof and such agreement may provide

- (a) the manner in which the Minister shall exercise the powers conferred on him by subsection one in respect of matters in that province;
- (b) for the transfer to the government of the province or some person or persons specified by the government of the province, of all or any part of the jurisdiction in respect of matters within that province conferred on the Board by these regulations, and for a procedure whereby an appeal may be had to the National Board from a decision made in the exercise of the jurisdiction so conferred; and
- (c) for reimbursement of the province in respect of expenses so incurred.

37. (1) The Minister may determine the salaries, fees and expenses to be paid to persons performing services under these regulations except where otherwise provided.

(2) The administrative expenses of the Board, other than the salaries and usual travelling expenses of departmental employees, shall be paid out of the War Appropriation.

ENFORCEMENT

38. Every person, trade union or employers' or employees' organization to whom an order is issued or who is required to do or abstain from doing anything by or pursuant to these regulations shall obey such order or do or abstain from doing such thing as required.

39. For the purpose of these regulations and of any proceedings taken thereunder, any notice or other communication sent through His Majesty's mails shall be presumed, unless the contrary is proved, to have been received by the addressee in the ordinary course of mail.

40. Every employer who declares or causes a lockout contrary to these regulations is guilty of an offence and liable upon summary conviction to a fine of not more than five hundred dollars for each day or part of a day that the lockout exists.

41. (1) Every employee who goes on strike contrary to these regulations is guilty of an offence and liable upon summary conviction to a fine of not more than twenty dollars for each day or part of a day that he is on strike.

(2) Every trade union and every other employees' organization that authorizes a strike contrary to these regulations is guilty of an offence and liable on summary conviction to a fine of not more than two hundred dollars for each day or part of a day that the strike continues.

42. Every person, trade union, employees' organization or employers' organization who contravenes any of the provisions of these regulations is guilty of an offence, and unless some penalty is expressly provided by these regulations for such contravention, liable on summary conviction, if an individual, to a penalty of not more than one hundred dollars, and if a corporation, employers' organization, employees' organization or trade union, to a penalty of not more than five hundred dollars.

43. Every person is guilty of an indictable offence and liable to a fine not exceeding five thousand dollars, and not less than five hundred dollars or to imprisonment for a term not exceeding five years and not less than six months, or to both such fine and such imprisonment, who corruptly

- (a) makes any offer, proposal, gift, loan or promise, or gives or offers any compensation or consideration, directly or indirectly, to a person concerned in the administration or enforcement of these regulations or having or expected to have any duties to perform thereunder, for the purpose of influencing such person in the performance of his duties; or
- (b) being a person concerned in the administration or enforcement of these regulations or having or expected to have any duties to perform thereunder, accepts or agrees to accept or allows to be accepted by any person under his control or for his benefit any such offer, proposal, gift, loan, promise, compensation or consideration.

44. (1) Every person is a party to and guilty of an offence under these regulations who

- (a) actually commits it;
- (b) does an act for the purpose of aiding any person to commit the offence;
- (c) abets any person in commission of the offence; or
- (d) counsels or procures any person to commit the offence.

(2) If an employers' organization, corporation, trade union or employees' organization, is guilty of an offence under these regulations, any officer of the employers' organization, corporation, trade union or employees' organization who assented to the commission of the offence is a party to and guilty of the offence.

45. No prosecution for an offence under these regulations shall be instituted except by or with the consent of the Board, evidenced by a certificate signed by or on behalf of the chairman of the Board, and in exercising its discretion as to whether any such consent should be granted, the Board may take into consideration disciplinary measures that have been taken by an employers' organization or a trade union or employees' organization against the accused.

46. The Minister may, notwithstanding any other provision in these regulations, instruct a conciliation officer to investigate any situation which in his opinion may be detrimental to the effective utilization of labour in the war effort.

MISCELLANEOUS

47. No proceeding under these regulations shall be deemed invalid by reason of any defect of form or any technical irregularity.

48. (1) The Industrial Disputes Investigation Act shall, except as to matters pending when these regulations come into force, be of no effect while this order is in force.

(2) The following Orders in Council are hereby revoked:—

- (a) The Order in Council made on the seventh day of November, nineteen hundred and thirty-nine, extending the application of the Industrial Disputes Investigation Act (P.C. 3495) as amended; and
- (b) The Order in Council made on the first day of December, nineteen hundred and forty-two, permitting employees of Crown companies to be members of trade unions (P.C. 10802).

(3) The following Orders in Council extending or varying the wartime application of the Industrial Disputes Investigation Act are hereby suspended to the extent that they are inconsistent with these regulations but shall otherwise remain in effect:—

- (a) The Order in Council made on the sixth day of June, nineteen hundred and forty-one (P.C. 4020) as amended; and
- (b) The Order in Council made on the sixteenth day of September, nineteen hundred and forty-one (P.C. 7307) as amended.

49. These regulations shall come into force on a day to be fixed by the Governor in Council.

SCHEDULE A

1. A work or undertaking engaged in mining or smelting operations;
2. A work, undertaking or business engaged in manufacturing or assembling aircraft parts;
3. A work, undertaking or business engaged in manufacturing or assembling tanks or universal carriers;
4. A work, undertaking or business engaged in manufacturing or assembling automobile or truck parts;
5. A work, undertaking or business engaged in smelting or refining aluminum;
6. A work, undertaking or business engaged in refining or producing oil or petroleum products;
7. A work, undertaking or business engaged in producing or processing natural or synthetic rubber;
8. A work, undertaking or business engaged in manufacturing chemicals for war purposes;
9. A work, undertaking or business engaged in producing or manufacturing steel for war industry or war purposes;
10. A work, undertaking or business engaged in building or construction or demolition projects under a contract or subcontract, intended for the use of His Majesty in right of Canada, including the construction, erection, repair, improvement or extension of buildings, aerodromes, harbours, dockyards, roads, defence fortifications, or other naval, military or air force works;
11. A work, undertaking or business engaged in shipbuilding, including shipbuilding accessories;
12. A work, undertaking or business engaged in the production of machinery, arms, shells, ammunition, explosives, implements of war, or naval, military or air stores;
13. A work, undertaking or business engaged in transportation or communication;
14. Public Service utilities, including gas, electric, water and power works, telegraph and telephone lines.

SCHEDULE B

to An Act to authorize the Application of the Wartime Labour Relations Regulations made under the War Measures Act (Canada) to certain Employees and Employers and to provide for the establishment of the Ontario Labour Relations Board.

P.C. 4020

(as amended by P.C. 4844; P.C. 7068; P.C. 496 and P.C. 4175, dated the 2nd day of July, 1941, the 10th day of September, 1941, the 19th day of January, 1943, and the 20th day of May, 1943, respectively.)

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 6th day of June, 1941.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS the Minister of Labour reports that the extension of the Industrial Disputes Investigation Act to war industries has necessarily resulted in a marked increase in the number of applications for Board of Conciliation and Investigation; and

That a number of such applications may have reference to disputes of a nature prima facie as not to warrant the appointment of a Board of Conciliation and Investigation;

THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Labour, and under the authority of the War Measures Act is pleased to order and it is hereby ordered as follows:

1. When in any industry to which the Industrial Disputes Investigation Act, as extended by P.C. 3495 and P.C. 1708, applies, a strike or lockout has occurred or seems to the Minister of Labour to be imminent and whether or not a Board of Conciliation and Investigation has been applied for and whether or not either of the parties to the dispute has submitted a declaration that, failing an adjustment of the dispute, a lockout or strike will be declared, and whether or not authority to declare such lockout or strike has been obtained, as required by Section 16 (2) of the Industrial Disputes Investigation Act, the Minister of Labour may refer the dispute to a tribunal to be designated as An Industrial Disputes Inquiry Commission, which shall make a preliminary investigation into the dispute promptly and, if a mutually satisfactory adjustment is not arrived at, shall advise the Minister on the matters at issue and whether the circumstances warrant the appointment of a Board of Conciliation and Investigation under the provisions of the Industrial Disputes Investigation Act, provided, however, that the Commission shall not offer any opinion as to the merits or substantial justice of such features of the case as may have to be submitted to a Board of Conciliation and Investigation.

2. An Industrial Disputes Inquiry Commission shall consist of one or more members appointed by the Minister of Labour and each member thereof shall have the full powers of a Commissioner under the provisions of the Inquiries Act, and may in the above circumstances inquire into any such dispute, lockout or strike or into any matters or circumstances connected therewith referred to such Commission by the Minister.

3. The members of an Industrial Disputes Inquiry Commission shall be remunerated for their services in accordance with the provisions of Section 52 of the Industrial Disputes Investigation Act.

4. All charges and expenses incurred by the Government in connection with the administration of these provisions shall be defrayed out of the appropriations provided by Parliament for the administration of the Industrial Disputes Investigation Act.

5. An Industrial Disputes Inquiry Commission shall, upon direction of the Minister of Labour, examine into any allegation that any person has been discharged or discriminated against for the reason that he is a member of or is working on behalf of a trade union or that any person has been improperly coerced or has been intimidated to induce him to join a trade union and, failing settlement of the matters at issue, shall forthwith report its findings and recommendations to the Minister of Labour. The Minister shall issue whatever order he deems necessary to effect such recommendations and such order shall be final and binding upon the employer and employees and any other person concerned.

(2) Any person refusing or failing to comply with an order of the Minister made under this section, shall be guilty of an offence and liable upon summary conviction to a fine not exceeding Five Hundred Dollars (\$500.00) for every day that such refusal or failure to comply continues.

6. Nothing in the foregoing shall be construed to give employees the right to work for or to attempt to organize a union in their working hours, at the place of their employment.

7. The provisions of Sections 57 and 59 of the Industrial Disputes Investigation Act shall apply with respect to any strike or lockout pending investigation by an Industrial Disputes Inquiry Commission.

8. The Minister of Labour may appoint an Industrial Disputes Inquiry Commission for the purpose of investigating any situation which in his opinion appears to be detrimental to the most effective utilization of labour in the war effort. The Commission shall report its findings and recommendations to the Minister of Labour who may take such steps as he deems necessary and desirable to effect such recommendations.



War-time Labour Relations Regulations
made under the War Measures Act
(Canada) to certain Employees
and Employers and to pro-
vide for the establishment
of the Ontario Labour
Relations Board.

1st Reading

March 27th, 1944

2nd Reading

March 30th, 1944

3rd Reading

April 4th, 1944

MR. DALEY

No. 72

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Judicature Act.

MR. DALEY

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Judicature Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 100, s. 1,
cl. *jj*
(1943, c. 11,
s. 1),
repealed.

1. Clause *jj* of section 1 of *The Judicature Act* as enacted by section 1 of *The Judicature Amendment Act, 1943*, is repealed.

Rev. Stat.,
c. 100, s. 3,
subs. 2
(1943, c. 11,
s. 2),
repealed.

2. Subsection 2 of section 3 of *The Judicature Act* as enacted by section 2 of *The Judicature Amendment Act, 1943*, is repealed.

Construction
of Act.
1944, c. 000.

3. The provisions of this Act shall be read and construed subject to the provisions of *The Labour Relations Board Act, 1944*.

Commence-
ment of Act.

4. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

5. This Act may be cited as *The Judicature Amendment Act, 1944*.

EXPLANATORY NOTE

The Labour Court provisions of *The Judicature Act* are repealed. This Bill is complementary to Bill No. 71.

1st Reading

March 27th, 1944

2nd Reading

3rd Reading

MR. DALEY

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Judicature Act.

MR. DALEY

BILL

An Act to amend The Judicature Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 100, s. 1,
cl. *jj*
(1943, c. 11,
s. 1),
repealed.

1. Clause *jj* of section 1 of *The Judicature Act* as enacted by section 1 of *The Judicature Amendment Act, 1943*, is repealed.

Rev. Stat.,
c. 100, s. 3,
subs. 2
(1943, c. 11,
s. 2),
repealed.

2. Subsection 2 of section 3 of *The Judicature Act* as enacted by section 2 of *The Judicature Amendment Act, 1943*, is repealed.

Construction
of Act.
1944, c. 000.

3. The provisions of this Act shall be read and construed subject to the provisions of *The Labour Relations Board Act, 1944*.

Commence-
ment of Act.

4. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

5. This Act may be cited as *The Judicature Amendment Act, 1944*.

1st Reading

March 27th, 1944

2nd Reading

March 30th, 1944

3rd Reading

April 4th, 1944

MR. DALEY

No. 73

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act respecting the Rights of Labour.

MR. DALEY

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the Rights of Labour.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpre-
tation,—

1. In this Act,—

“collective
bargaining
agreement”;

(a) “collective bargaining agreement” shall mean an agreement between an employer and a trade union setting forth terms and conditions of employment; and

“trade
union”.

(b) “trade union” shall mean a combination, whether temporary or permanent having among its objects the regulating of relations between employees and employers or between employees and employees or between employers and employers.

Trade union.

2. A trade union and the acts thereof shall not be deemed to be unlawful by reason only that one or more of its objects are in restraint of trade.

Acts done by
two or more
members.

3.—(1) Any act done by two or more members of a trade union, if done in contemplation or furtherance of a trade dispute, shall not be actionable unless the act would be actionable if done without any agreement or combination.

Trade
union,—
party to
action.

(2) A trade union shall not be made a party to any action in any court unless such trade union may be so made a party irrespective of any of the provisions of this Act.

Collective
bargaining
agreement,—
subject of
action.

(3) A collective bargaining agreement shall not be the subject of any action in any court unless such collective bargaining agreement may be the subject of such action irrespective of any of the provisions of this Act.

Applica-
tion of
1942, c. 31,
(Canada).

4. The provisions of *The Reinstatement in Civil Employment Act, 1942* (Canada) shall apply in Ontario notwithstanding the termination of the war between Canada and

EXPLANATORY NOTE

This Bill is complementary to Bill No. 71, *An Act to authorize the Application of Wartime Labour Relations Regulations passed under the War Measures Act (Canada) to certain Employees and Employers and to provide for the establishment of the Ontario Labour Relations Board*, and to Bill No. 72, *An Act to amend The Judicature Act*.

It preserves certain of the provisions declaring the rights of labour which are now contained in *The Collective Bargaining Act, 1943*.

Germany and Japan, and notwithstanding the repeal thereof by the Parliament of Canada.

Commence-
ment of Act.

5. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

6. This Act may be cited as *The Rights of Labour Act, 1944*.

1st Reading

March 27th, 1944

2nd Reading

3rd Reading

MR. DALEY

No. 73

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act respecting the Rights of Labour.

MR. DALEY

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the Rights of Labour.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpre-
tation,—

1. In this Act,—

“collective
bargaining
agreement”;

(a) “collective bargaining agreement” shall mean an agreement between an employer and a trade union setting forth terms and conditions of employment; and

“trade
union”.

(b) “trade union” shall mean a combination, whether temporary or permanent having among its objects the regulating of relations between employees and employers or between employees and employees or between employers and employers.

Trade union.

2. A trade union and the acts thereof shall not be deemed to be unlawful by reason only that one or more of its objects are in restraint of trade.

Acts done by
two or more
members.

3.—(1) Any act done by two or more members of a trade union, if done in contemplation or furtherance of a trade dispute, shall not be actionable unless the act would be actionable if done without any agreement or combination.

Trade
union,—
party to
action.

(2) A trade union shall not be made a party to any action in any court unless such trade union may be so made a party irrespective of any of the provisions of this Act or of *The*

1944, c. 000. *Labour Relations Board Act, 1944.*

Collective
bargaining
agreement,—
subject of
action.

(3) A collective bargaining agreement shall not be the subject of any action in any court unless such collective bargaining agreement may be the subject of such action irrespective of any of the provisions of this Act or of *The*

1944, c. 000. *Labour Relations Board Act, 1944.*

4. The provisions of *The Reinstatement in Civil Employment Act, 1942* (Canada) shall apply in Ontario notwithstanding the termination of the war between Canada and Germany and Japan, and notwithstanding the repeal thereof by the Parliament of Canada. Application of 1942, c. 31, (Canada).

5. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation. Commencement of Act.

6. This Act may be cited as *The Rights of Labour Act, 1944*. Short title.

1st Reading

March 27th, 1944

2nd Reading

March 30th, 1944

3rd Reading

April 4th, 1944

MR. DALEY

No. 74

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Municipal Act.

MR. MITCHELL

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 74

1944

BILL

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 266, s. 404,
amended.

1. Section 404 of *The Municipal Act* is amended by adding thereto the following paragraph:

Drain
contractors.

7a. For licensing, regulating and governing drain contractors and drain layers.

1st Reading

March 27th, 1944

2nd Reading

3rd Reading

MR. MITCHELL.

No. 75

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Municipal Act.

MR. DUNBAR

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 266, s. 18,
subs. 1,
amended.

1. Subsection 1 of section 18 of *The Municipal Act* is amended by striking out the figures "500" in the fifth line and inserting in lieu thereof the figures "1500", so that the said subsection shall now read as follows:

Incorporation
of
towns in
unorganized
territory.

(1) Subject to subsection 2 of section 13, the Municipal Board may, upon the application of not less than 75 male inhabitants of the locality, each of the full age of twenty-one years, incorporate as a town the inhabitants of a locality having a population of at least 1500, and situate in one or more of the provisional judicial districts, whether or not it lies within an existing township municipality.

Rev. Stat.,
c. 266, s. 19,
subs. 1,
amended.

2. Subsection 1 of section 19 of *The Municipal Act* is amended by inserting after the word "erect" in the first line the words "a township having a population of not less than 25,000 or", so that the said subsection shall now read as follows:

Erection
of cities
and towns.

(1) The Municipal Board may erect a township having a population of not less than 25,000 or a town having a population of not less than 15,000 into a city, and a village having a population of not less than 2000 into a town, and declare the name which it is to bear.

Rev. Stat.,
c. 266, s. 24,
re-enacted.

3. Section 24 of *The Municipal Act* is repealed and the following substituted therefor:

Formation
of town-
ships in
unorganized
territory.

24.—(1) The Municipal Board may, upon application of not less than seventy-five male inhabitants of the locality, each of the full age of twenty-one years, incorporate as a township or union of townships the

EXPLANATORY NOTES

SECTION 1. Self-explanatory.

SECTION 2. Self-explanatory.

SECTION 3. These new provisions replace provisions which were enacted many years before the Ontario Municipal Board was created. The old procedures are no longer appropriate.

The new section is patterned on section 18 of *The Municipal Act* which provides for the incorporation of towns in unorganized territory.

inhabitants of a locality situated in unorganized territory and having a population of at least 1000.

Order of
Board.

- (2) The order or orders of the Board shall declare the name which the township shall bear, its boundaries and the date when the incorporation shall take effect, and shall make provision for the election of the members of the first council and such other matters as may be necessary to complete the incorporation, and for the carrying on of the locality as a township municipality.

Rev. Stat.,
c. 266, s. 27,
repealed.

4. Section 27 of *The Municipal Act* is repealed.

Rev. Stat.,
c. 266, s. 44a
(1943,
c. 16, s. 1),
amended.

5. Section 44a of *The Municipal Act*, as enacted by section 1 of *The Municipal Amendment Act, 1943*, is further amended by adding thereto the following subsection:

Local
boards,—
dissolutions.

Rev. Stat.,
c. 59.

- (3) Every local board as defined in *The Department of Municipal Affairs Act* in the locality erected into an improvement district shall be dissolved, the dissolution to take effect on such date as may be declared by the Municipal Board.

Rev. Stat.,
c. 266, s. 44c,
subs. 1,
cl. a
(1943,
c. 16, s. 1),
amended.

- 6.—(1) Clause *a* of subsection 1 of section 44c of *The Municipal Act*, as enacted by section 1 of *The Municipal Amendment Act, 1943*, is amended by inserting after the word “Act” where it occurs for the first time in the fourth line the words “*The Highway Improvement Act*”, so that the said clause shall now read as follows:

Rev. Stat.,
cc. 266;
272; 56.

- (a) a municipal corporation and council of a township for the purposes and within the meaning of *The Municipal Act*, *The Assessment Act*, *The Highway Improvement Act* and every other general Act relating to municipal institutions.

Rev. Stat.,
c. 266, s. 44c
(1943,
c. 16, s. 1),
amended.

- (2) The said section 44c is further amended by adding thereto the following subsection:

Where im-
provement
district is
situate in
a county.

- (3) Where an improvement district is situate within a county, it shall pay county rates in the same manner as a township municipality and the chairman of the board of trustees shall be a member of the county council in the same manner as the reeve of a township.

Rev. Stat.,
c. 266, s. 69,
subs. 1,
amended.

7. Subsection 1 of section 69 of *The Municipal Act* is amended by striking out the comma following the word “seconded” in the fifth line and by inserting after the word “whom” in the fifth line the words “shall be municipal electors and”, so that the said subsection shall now read as follows:

SECTION 4. The section repealed dealt with the incorporation of unions of townships in unorganized territory, a matter covered in section 24 of the Act re-enacted by section 3 of this Bill.

SECTION 5. This provision is necessary in order that all the affairs of an improvement district may be administered by the board of trustees.

SECTION 6—Subsection 1. To remove any doubt as to whether the words of the clause "every other general Act relating to municipal institutions" includes *The Highway Improvement Act*, the Act is specifically mentioned. The amendment is complementary to the amendments to *The Highway Improvement Act* contained in Bill No. 27.

Subsection 2. Self-explanatory.

SECTION 7. The words added are self-explanatory.

Nomination
and pro-
ceedings
incidental
thereto.

- (1) At all nomination meetings, the candidates for each office shall be proposed and seconded *seriatim*, and every nomination shall be in writing, shall state the name, residence and occupation of the candidate, and shall be signed by his proposer and seconder, both of whom shall be municipal electors and shall be present, and filed with the returning officer within one hour from the time fixed for holding the meeting.

Rev. Stat.,
c. 266, s. 70,
amended.

8.—(1) Section 70 of *The Municipal Act* is amended by adding thereto the following subsection:

Effect of
filing of
declaration.

- (6a) If one or other of such declarations is filed within the time mentioned in subsection 4 by or on behalf of a person nominated for more than one office, he shall thereupon be deemed to have resigned from all such nominations other than the one for which he qualified.

Rev. Stat.,
c. 266, s. 70,
subs. 9,
amended.

(2) Subsection 9 of the said section 70 is amended by striking out the words "within one week after the day of nomination" in the second line and inserting in lieu thereof the words "which shall be filed within the time mentioned in subsection 4", so that the said subsection shall now read as follows:

Declaration
by person
elected by
acclamation.

- (9) Any person elected by acclamation shall make a declaration of qualification which shall be filed within the time mentioned in subsection 4 and in default he shall be deemed to have resigned.

Rev. Stat.,
c. 266, s. 74,
re-enacted.

9. Section 74 of *The Municipal Act* is repealed and the following substituted therefor:

Nomination
and polling
day in
cities over
100,000.

74. The council of a city having a population of not less than 100,000 may by by-law passed not later in the year than the 15th day of November, provide that the meeting of electors for the nomination of candidates for council and any local board or commission, any members of which are to be elected, shall be held on the 21st day of December, except where that day is a Sunday, and in that case on the preceding Friday or Saturday, and that the polling shall take place on the 1st day of January next thereafter except where that day is a Sunday, and in that case on the following day, and the by-law shall remain in force from year to year until repealed.

Rev. Stat.,
c. 266, s. 75,
re-enacted.

10. Section 75 of *The Municipal Act* is repealed and the following substituted therefor:

SECTION 8—Subsection 1. The purpose of this amendment is to prevent a candidate who is nominated for more than one office from qualifying for one of these offices, then changing his mind and qualifying for another.

Subsection 2. Self-explanatory.

SECTION 9. Self-explanatory.

SECTION 10. Self-explanatory.

Nomination
and polling
days in
local muni-
cipalities,
early
December.

75. The council of a local municipality may by by-law passed not later in the year than the 1st day of November, provide that the meeting of electors for nomination of candidates for council and any local board or commission any members of which are to be elected, shall be held on the Friday or Saturday preceding the last Monday in November, and that the polling shall take place on the first Monday in December or on the Saturday next following such first Monday, and the by-law shall remain in force from year to year until repealed.

Rev. Stat.,
c. 266, s. 76,
re-enacted.

11. Section 76 of *The Municipal Act* is repealed and the following substituted therefor:

Nomination
and polling
day in
local muni-
cipalities,—
mid-Decem-
ber.

76. The council of a local municipality may by by-law passed not later in the year than the 15th day of November, provide that the meeting of electors for the nomination of candidates for council and any local board or commission any members of which are to be elected, shall be held on the first Friday or Saturday in December and that polling shall take place on the 14th day of December or on the Saturday next following, except where the 14th day of December is a Sunday and in that case on the following Monday, and the by-law shall remain in force from year to year until repealed.

Rev. Stat.,
c. 266, s. 77,
re-enacted.

12. Section 77 of *The Municipal Act* is repealed and the following substituted therefor:

Nomination
and polling
days in
local muni-
cipalities,—
late Decem-
ber.

77. The council of a local municipality may by by-law passed not later in the year than the 15th day of November, provide that the meeting of electors for the nomination of candidates for council and any local board or commission any members of which are to be elected, shall be held on the 23rd day of December, except where that day is a Sunday and in that case on the preceding Friday or Saturday, and that the polling shall take place on the 1st day of January next thereafter, except where that day is a Sunday, and in that case on the following day, and the by-law shall remain in force from year to year until repealed.

Rev. Stat.,
c. 266, s. 79,
amended.

13. Section 79 of *The Municipal Act* is amended by adding thereto the following subsections:

Staggered
system.

- (2) The by-law passed under subsection 1 may provide that of the members, other than the mayor, reeve and deputy reeve, elected at the first election held

SECTION 11. Self-explanatory.

SECTION 12. Self-explanatory.

SECTION 13—Subsection 2, which is new, will enable municipalities which have two-year councils to adopt the so-called "staggered" system.

after the coming into force of the by-law, the one-half, or in the case of an uneven number the majority, receiving the highest number of votes shall remain in office for a two-year term and the remainder shall remain in office for a one-year term and at every election thereafter all the members shall be elected for a two-year term.

Local
Boards.

- (3) Where a by-law has been or is passed under subsection 1, the council may provide that every elected member of every local board as defined in *The Department of Municipal Affairs Act* shall, notwithstanding the provisions of any general or special Act, be elected at the same time and hold office for the same term as the members of the council and where the term of office of a member of any such board expires before the next election of members of the council his term of office shall be extended for one year.

Subs. 2 to
apply
mutatis
mutandis
to subs. 3.

- (4) Notwithstanding the provisions of any general or special Act, where the power conferred by subsection 3 is exercised, the provisions of subsection 2 shall *mutatis mutandis* apply.

Rev. Stat.,
c. 266, s. 231,
amended.

- 14.** Section 231 of *The Municipal Act* is amended by striking out the words "of a county and of an urban municipality" in the first and second lines, so that the said section shall now read as follows:

Remunera-
tion of
head.

231. The head of the council may be paid such annual or other remuneration as the council may determine.

Rev. Stat.,
c. 266, s. 234,
subss. 1, 2;
s. 238,
amended.

- 15.** Subsections 1 and 2 of section 234 and section 238 of *The Municipal Act* are amended by striking out the word "Every" at the commencement of each of the said subsections and the commencement of the said section and inserting in lieu thereof in each instance the article "The".

Rev. Stat.,
c. 266, s. 240,
subs. 1,
amended.

- 16.** Subsection 1 of section 240 of *The Municipal Act* is amended by adding at the end thereof the words "provided that every cheque issued by the treasurer shall be signed by the treasurer and by some other person designated for the purpose by by-law or resolution of the council and such other person before signing a cheque shall satisfy himself that the issue thereof is authorized", so that the said subsection shall now read as follows:

Treasurer
to receive,
take care
of and
disburse
money, etc.

- (1) The treasurer shall receive, and safely keep, all money of the corporation, and shall pay out the same to such persons and in such manner as the laws of On-

Subsection 3, which is also new, provides that in municipalities which have a two-year council the local boards may be put on a two-year basis in order to avoid the necessity of an election in a year in which there is no election of council.

SECTION 14. At the present time the head of the council of a city town or village can be paid an annual remuneration. All others must be remunerated on a "per meeting" basis. The amendment makes it possible to pay the head of the council of any municipality an annual remuneration.

SECTION 15. Some municipal councils take the view that the word "every" requires the clerk and treasurer to be reappointed year after year by each new council. It is hoped that the removal of the word "every" will end this mistaken practice.

SECTION 16. Self-explanatory.

Proviso.

tario and the by-laws or resolutions of the council direct, provided that every cheque issued by the treasurer shall be signed by the treasurer and by some other person designated for the purpose by by-law or resolution of the council and such other person before signing a cheque shall satisfy himself that the issue thereof is authorized.

Rev. Stat.,
c. 266, s. 248,
subs. 1,
re-enacted.

17. Subsection 1 of section 248 of *The Municipal Act* is repealed and the following substituted therefor:

Appoint-
ment of
auditors.

- (1) The council of every municipality shall by by-law appoint one or more auditors who shall be persons licensed by the Department as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the council and every person so appointed shall in addition to his duties in respect of the corporation audit the accounts and transactions of every local board as defined in *The Department of Municipal Affairs Act*, except separate school boards.

Rev. Stat.,
c. 59.

Rev. Stat.,
c. 266, s. 249,
re-enacted;
ss. 250, 250a
(1941, c. 35,
s. 6), 251
and 253
repealed

18. Sections 249 and 250 section, 250a as enacted by section 6 of *The Municipal Amendment Act, 1941*, and sections 251 and 253 of *The Municipal Act* are repealed and the following substituted therefor:

Duties of
auditors.

249. The auditors shall perform such duties as are prescribed by the Department.

Rev. Stat.,
c. 266, s. 254,
amended.

19. Section 254 of *The Municipal Act* is amended by striking out the words "a city or town" in the first line and inserting in lieu thereof the words "any municipality", so that the said section shall now read as follows:

Audit of
accounts
before
payment.

254. The council of any municipality may provide that all accounts shall be audited before payment.

Rev. Stat.,
c. 266, s. 258,
subs. 1,
amended.

20.—(1) Subsection 1 of section 258 of *The Municipal Act*, as amended by subsection 2 of section 14 of *The Municipal Amendment Act, 1939*, is further amended by striking out all the words after the word "statement" in the third line and inserting in lieu thereof the words "signed by the head of the council and the treasurer of the revenues and expenditures for the current year in the form and manner prescribed by the Department", so that the said subsection shall now read as follows:

Publication
of state-
ments of
assets and
liabilities.

- (1) Except as provided in subsection 5, the council of every town, village and township shall hold a meeting

SECTIONS 17, 18 and 19. These sections of the Bill deal with municipal auditors and audits.

At the present time *The Municipal Act* provides three alternative methods of appointing municipal auditors:

(1) two auditors to be appointed at the first meeting of council in each year for the year;

(2) two auditors to be appointed in November or December in each year for the succeeding year; and

(3) one or more auditors to be appointed at any time to hold office during pleasure.

In the interests of continuity the provisions for annual appointments are repealed and all appointees given the same security in office as now pertains in the case of auditors of cities.

The provision, first enacted in 1941, that only persons licensed as municipal auditors by the Department of Municipal Affairs may be employed as such, is retained.

Sections 251 and 253 of the Act are repealed as they deal with the duties of auditors, matters which for some years have been prescribed and regulated by the Department of Municipal Affairs.

SECTION 20—Subsection 1. This amendment will enable a uniform practice to be established.

on the 15th day of December in each year, and shall immediately thereafter publish a detailed statement signed by the head of the council and the treasurer of the revenues and expenditures for the current year in the form and manner prescribed by the Department.

Rev. Stat.,
c. 266, s. 258,
subs. 2,
repealed.

(2) Subsection 2 of the said section 258 is repealed.

Rev. Stat.,
c. 266,
s. 265a
(1941,
c. 35, s. 7),
repealed.

21. Section 265a of *The Municipal Act*, as enacted by section 7 of *The Municipal Amendment Act, 1941*, is repealed.

Rev. Stat.,
c. 266, s. 305,
subs. 3,
repealed.

22.—(1) Subsection 3 of section 305 of *The Municipal Act*

is repealed.

Rev. Stat.,
c. 266, s. 305,
subs. 4,
amended.

(2) Subsection 4 of the said section 305 is amended by striking out all the words at the commencement thereof down to and including the word “interest” in the sixth and seventh lines, so that the said subsection shall now read as follows:

Equal annual instalments of principal and interest.

(4) The instalments of principal shall be of such amounts that, with the interest in respect of the debt, payable annually or semi-annually, the aggregate amount payable for principal and interest in each year shall be, as nearly as possible, the same; provided, that each instalment of principal may be for an even \$100, \$500 or \$1000, or multiple thereof, and notwithstanding anything herein contained, the annual instalments of principal and interest may differ in amount sufficiently to admit thereof.

Rev. Stat.,
c. 266, s. 305,
subs. 14,
repealed.

(3) Subsection 14 of the said section 305 is repealed.

Rev. Stat.,
c. 266, s. 305,
subs. 15,
amended.

(4) Subsection 15 of the said section 305, as enacted by section 2 of *The Municipal Amendment Act, 1939 (No. 2)*, and amended by section 10 of *The Municipal Amendment Act, 1940*, is further amended by striking out the word “may” in the first line and inserting in lieu thereof the word “shall” and by adding thereto the following clause:

(f) Where a debenture is redeemed on a date prior to maturity, such redemption shall not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the council to continue to levy and collect such special assessments and instalments thereof.

Commence-
ment of
subs. 4,—
retroactive
effect.

(5) Subsection 4 of this section shall be deemed to have come into force on the 22nd day of September, 1939.

Subsection 2. The matters dealt with in subsection 2 are now dealt with in subsection 1. It is therefore repealed.

SECTION 21. The operation of this section is ended. It is therefore repealed.

SECTION 22—Subsection 1. Sinking fund debentures are no longer issued. Subsection 3 of section 305 is therefore repealed.

Subsection 2. This amendment will prevent the continuance of the practice of issuing debentures which combine annual principal and interest payments as the required calculations are difficult and result in odd amounts.

Subsection 3. Subsection 14 is repealed as sinking fund debentures are no longer issued.

Subsection 4. Self-explanatory.

Subsection 5. The effective date of the present amendments is September 22nd, 1939, because on this date the first legislation providing for the callable feature in debentures came into force.

Rev. Stat.,
c. 266, s. 307,
subs. 3,
cl. *aa* (1939,
2nd Sess.,
c. 6, s. 3),
amended.

23.—(1) Clause *aa* of subsection 3 of section 307 of *The Municipal Act*, as enacted by section 3 of *The Municipal Amendment Act, 1939 (No. 2)*, is amended by inserting after the word “in” in the second line the words “paragraph 41a of section 404 or in”, so that the said clause shall now read as follows:

(*aa*) for borrowing money for any of the purposes mentioned in paragraph 41a of section 404 or in section 404a; or

Rev. Stat.,
c. 266, s. 307,
subs. 3, cl. *h*,
repealed.

(2) Clause *h* of subsection 3 of the said section 307 is repealed.

Rev. Stat.,
c. 266, s. 308,
re-enacted.

24. Section 308 of *The Municipal Act* is repealed and the following substituted therefor:

Contracts
for supply
of public
utility.

308.—(1) A municipal corporation with the assent of the electors may enter into a contract for the supply of a public utility as defined in *The Public Utilities Act* to the municipal corporation for its use or for resale or to the inhabitants thereof for their use for any period not exceeding ten years and for renewing such contract from time to time for further periods not exceeding ten years at any one time.

Where
particular
areas only
are bene-
fited.

(2) Where a municipal corporation enters into a contract for the supply of a public utility for its use and such use is confined to a particular area of the municipality, the council may levy a special annual rate on all the rateable property in such area to defray the cost thereof.

Rev. Stat.,
c. 266, s. 316,
subs. 2,
re-enacted.

25. Subsection 2 of section 316 of *The Municipal Act* is repealed and the following substituted therefor:

Allowances
to be
made in
estimates.

(2) In preparing the estimates the council shall make due allowance for a surplus of any previous year which will be available during the current year and shall provide for any operating deficit of any previous year and for the cost of collection, abatement of and discount on taxes and uncollectible taxes and may provide for taxes which it is estimated will not be collected during the year.

Rev. Stat.,
c. 266,
s. 316a,
subs. 1
(1943,
c. 16, s. 6),
amended.

26. Subsection 1 of section 316a of *The Municipal Act*, as enacted by section 6 of *The Municipal Amendment Act, 1943*, is amended by striking out the words “The council of every municipality” at the commencement and inserting in lieu thereof the words “Every municipality as defined in *The Department of Municipal Affairs Act*”, and by adding at the

SECTION 23—Subsection 1. The words added have reference to municipal pension plans.

Subsection 2. The provision repealed was to the effect that a county by-law guaranteeing the debentures of a local municipality did not require the assent of the electors. A county is no longer authorized to guarantee the debentures of a local municipality. Consequently the provision is repealed.

SECTION 24. The section as re-enacted makes it clear that a municipality may purchase a utility for its own use or for resale.

Subsection 2, which is new, provides for a proper allocation of the cost of a utility where the municipality at large does not benefit.

SECTION 25. The subsection as re-enacted provides for making an allowance for an available surplus and states that provision shall be made for an operating deficit. These items are new.

SECTION 26. The provision as re-enacted will apply to all local boards as well as to all municipalities. In the case of certain local boards, the approval of council is required.

end thereof the words "provided that where the approval of the council is required by law for a capital expenditure or the issue of debentures of a local board, the approval of the council of a provision in the estimates of such local board for a reserve fund shall be obtained", so that the said subsection shall now read as follows:

Reserve funds.

- (1) Every municipality as defined in *The Department of Municipal Affairs Act* may in each year for the duration of the present war and with the approval of the Department provide in the estimates for the establishment or maintenance of a reserve fund for use after the war in providing necessary replacements of or improvements in public works, provided that where the approval of the council is required by law for a capital expenditure or the issue of debentures of a local board, the approval of the council of a provision in the estimates of such local board for a reserve fund shall be obtained.

Proviso.

Rev. Stat.,
c. 266,
amended.

27. *The Municipal Act* is amended by adding thereto the following section:

Replacement of lost debentures.

- 336a. Where a debenture is defaced, lost or destroyed, the council may by by-law provide for the replacing of the same on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide.

Rev. Stat.,
c. 266, s. 339,
subs. 4,
re-enacted.

28. Subsection 4 of section 339 of *The Municipal Act* is repealed and the following substituted therefor:

Exclusion from estimated revenues.

- (4) For the purposes of subsections 2 and 3, estimated revenues shall not include revenues derivable or derived from the sale of assets, borrowings or issues of debentures or from a surplus including arrears of taxes and proceeds from the sale of assets.

Rev. Stat.,
c. 266, s. 340,
re-enacted.

29. Section 340 of *The Municipal Act* is repealed and the following substituted therefor:

Temporary advances.

340. Where by this or any other Act power is conferred on a corporation to borrow money, it shall include, pending the issue and sale of the debentures, the power to agree with a bank or person for temporary advances from time to time to meet expenditures incurred.

Rev. Stat.,
c. 266, s. 364,
(1938,
c. 23, s. 4),
amended.

30.—(1) Subsection 1 of section 364 of *The Municipal Act*, as re-enacted by section 4 of *The Municipal Amendment*

SECTION 27. This provision is new. It is self-explanatory.

SECTION 28. The subsection as re-enacted clarifies the meaning of the expression "estimated revenues."

SECTION 29. The section as re-enacted clarifies the authority to make temporary borrowings pending the issue of debentures.

SECTION 30—Subsection 1. At the present time police commissions must be constituted in cities and may be constituted in towns and counties and in townships having a population of more than 5,000. This amendment extends the right to villages having a population of more than 5,000.

Act, 1938 (No. 2), and amended by section 7 of *The Municipal Amendment Act, 1943*, is further amended by inserting after the word "any" in the second line the words "village or", so that the said subsection shall now read as follows:

Constitution
of board
of com-
missioners
of police.

- (1) Notwithstanding the provisions of any special Act, every city shall, and any village or township having a population in excess of 5,000 according to the last revised assessment roll and every county and town may, by by-law, constitute a board of commissioners of police.

Rev. Stat.,
c. 266, s. 364,
subs. 6,
amended.

- (2) Subsection 6 of the said section 364 as re-enacted by section 4 of *The Municipal Amendment Act, 1938 (No. 2)*, is amended by inserting after the article "a" in the first line the word "village", so that the said subsection shall now read as follows:

Repeal of
by-law.

- (6) The by-law of a village, township, county or town passed pursuant to subsection 1 may, with the consent of the Attorney-General thereto, be repealed, and if so repealed the board shall be dissolved on the 1st day of January next after the passing of the repealing by-law.

Rev. Stat.,
c. 266, s. 370,
amended.

- 31.** Section 370 of *The Municipal Act*, as amended by section 20 of *The Municipal Amendment Act, 1939*, is further amended by striking out the words "cities, and in townships, counties and towns" in the first and second lines and inserting in lieu thereof the words "a municipality", so that the said section shall now read as follows:

Police
force,—
where board
constituted.

- 370.** The police force in a municipality having a board of commissioners of police, shall consist of a chief constable and as many constables and other officers and assistants as the council may deem necessary, but, in cities, not less than the board reports to be absolutely required.

Rev. Stat.,
c. 266, s. 376,
amended.

- 32.** Section 376 of *The Municipal Act* is amended by inserting after the word "village" in the second line the words "not having a board", so that the said section shall now read as follows:

Towns and
villages,—
where no
board.

- 376.** The council of every town not having a board shall, and the council of every village not having a board may, appoint one chief constable and one or more constables.

Rev. Stat.,
c. 266, s. 378,
subs. 2,
amended.

- 33.** Subsection 2 of section 378 of *The Municipal Act* is amended by striking out the words "city or town" in the second line and inserting in lieu thereof the word "municipality", so that the said section shall now read as follows:

Subsection 2. This amendment is complementary to that made by subsection 1 of this section of the Bill. See note to subsection 1 of this section of the Bill.

SECTIONS 31, 32, 33 and 34. These minor amendments are necessary because of the amendment made by section 30 of this Bill. They are merely complementary and effect no change. See note to section 30 of this Bill.



Exception.

- (2) The provisions of subsection 1 as to suspension shall not apply to a member of the police force of a municipality which has a board of commissioners of police.

Rev. Stat.,
c. 266, s. 382,
re-enacted.

34. Section 382 of *The Municipal Act*, as amended by section 6 of *The Municipal Amendment Act, 1938 (No. 2)*, is repealed and the following substituted therefor:

Power of
suspension.

- 382.—(1) Where there is no board of commissioners of police, the head of the municipality or a magistrate may suspend any police officer from office for any period and may appoint another person to such office during such period, and if he considers the suspended officer deserving of dismissal, he shall immediately after suspending him so report to the council and the council may dismiss such officer or may direct that he be restored to his office after the period of suspension has expired.

Exception.

- (2) Except with the written permission of the head of the municipality or the magistrate who suspended him, an officer, during suspension, shall not act as such or be entitled to any salary or other remuneration.

Rev. Stat.,
c. 266, s. 404,
para. 7,
amended.

35.—(1) Paragraph 7 of section 404 of *The Municipal Act* is amended by adding thereto the following clause:

- (a) Before passing a by-law under this paragraph the council may direct that an engineer's report, with or without a survey, be prepared and the cost thereof may be levied against all the rateable property in the municipality or in a defined area thereof which in the opinion of council derives special benefit therefrom.

Rev. Stat.,
c. 266, s. 404,
para. 28,
amended.

(2) Paragraph 28 of the said section 404 is amended by inserting after the word "hospitals" in the third line the words "or public sanatoria", so that the said paragraph shall now read as follows:

Aiding
erection,
etc., of
hospitals and
sanatoria.

28. For granting aid to any incorporated society or any association of individuals for the erection, establishment, maintenance or equipment of public hospitals or public sanatoria in any municipality for the treatment of persons suffering from disease or from injuries.

Rev. Stat.,
c. 266, s. 404,
paras. 30,
36, 37, 38
and 39, re-
enacted.

(3) Paragraphs 30, 36, 37, 38 and 39 of the said section 404 are repealed and the following substituted therefor:

SECTION 35—Subsection 1. Self-explanatory.

Subsection 2. Self-explanatory.

Subsections 3 and 4. War memorials and kindred subjects are now dealt with in paragraphs 30, 36, 37, 38 and 39 of section 404 of *The Municipal Act*. These provisions are applicable only to the Great War, 1914-1918. The provisions as re-enacted are consolidated and revised and will apply to all persons who served in the armed forces of His Majesty or His Majesty's allies in any war.

War
memorials,
etc.

30. For erecting and maintaining or for granting aid for the erection and maintenance of monuments, memorial windows, tablets, buildings or parks, in commemoration of the persons or any class thereof who served in the armed forces of His Majesty or His Majesty's allies during any war.

(a) The corporation may borrow money for the purposes of this paragraph by the issue of debentures payable in not more than ten years from the date of issue and may levy a special rate in each year on all the rateable property in the municipality sufficient to pay the instalments of principal and the interest falling due in respect of the debentures.

(b) Any such monument may with the approval of the Municipal Board, on application by the corporation, be erected in any highway not less than sixty-six feet in width and over which the corporation has jurisdiction.

(c) Any such building may be established and equipped as a home or club-house for such persons or any class thereof or may be used for such purposes as the council may deem proper.

(d) The councils of two or more municipalities may enter into an agreement for carrying out any of the purposes of this paragraph in any one of such municipalities.

Aid to
widows, etc.

31. For granting aid to any fund established for the purpose of providing allowances or other assistance to the dependents of persons who died while serving in the armed forces of His Majesty or His Majesty's allies during any war and who immediately before entering such service resided in the municipality for at least six months.

Grants to
members of
armed
forces.

32. For making grants to persons who served in the armed forces of His Majesty or His Majesty's allies during any war.

Exemption
from
taxation.

33. For exempting from taxation, except for local improvement and school purposes, for a period not exceeding ten years, any premises actually used and occupied as a memorial home, club-house or athletic grounds by persons who served in the armed forces of His Majesty or His Majesty's allies in any war.

Rev. Stat., c. 266, s. 404, para. 31, amended. (4) Paragraph 31 of the said section 404 is renumbered as paragraph 34.

Rev. Stat., c. 266, s. 404, para. 41a (1939, c. 30, s. 23, subs. 2), re-enacted. (5) Paragraph 41a of the said section 404 as enacted by subsection 2 of section 23 of *The Municipal Amendment Act, 1939*, other than the clauses, is repealed and the following substituted therefor:

Pensions. 41a. For providing, by arrangement either with His Majesty pursuant to the *Government Annuities Act* (Canada) or with an insurer licensed under *The Insurance Act* or with both His Majesty and an insurer as aforesaid, pensions for employees or any class thereof and their wives and children.

R.S.C., c. 7.

Rev. Stat., c. 256.

Rev. Stat., c. 266, s. 404, para. 41a, cl. a, subcl. i (1939, c. 30, s. 23, subs. 2), amended. (6) Subclause i of clause a of paragraph 41a of the said section 404 is amended by inserting after the word "mean" in the first line the words "any person designated as an employee by the Department and shall include", and by striking out the words "full-time" in the third line, so that the said subclause shall now read as follows:

"Employee". (i) "Employee" shall mean any person designated as an employee by the Department and shall include any salaried officer, clerk, workman, servant or other person in the employ of the municipality or of a local board, except school teachers and inspectors to whom *The Teachers' and Inspectors' Superannuation Act* is applicable, and except employees to whom *The Power Commission Insurance Act* is applicable.

Rev. Stat., c. 366, 62.

Rev. Stat., c. 266, s. 404, para. 41a, cl. b (1939, c. 30, s. 23, subs. 2), amended. (7) Clause b of paragraph 41a of the said section 404 as amended by subsection 2 of section 10 of *The Municipal Amendment Act, 1941*, is further amended by inserting after the word "be" in the fourth line the words "amended or", so that the said clause shall now read as follows:

Approval by Department. (b) No by-law passed under this paragraph shall become operative until approved by the Department, nor shall any by-law passed under this paragraph and approved by the Department be amended or repealed without the approval of the Department.

Rev. Stat., c. 266, s. 404, para. 41a, cl. c (1939, c. 30, s. 23, subs. 2), amended. (8) Clause c of paragraph 41a of the said section 404 is amended by inserting after the word "contributions" in the first line the words "other than the initial payments or contributions", so that the said clause shall now read as follows:

Contributions to be deemed current expenditures. (c) Payments or contributions, other than the initial payments or contributions, made by a municipality under this paragraph shall be deemed to be current expenditures.

Subsection 5. The petition feature of the present municipal pension plan legislation is removed and provision is made for setting up such plans either with His Majesty under the *Government Annuities Act* (Canada) or with an insurer under *The Insurance Act*, or with both.

Subsection 6. The definition of "employee" is extended to persons designated as such by the Department and to include "part-time" employees.

Subsection 7. Self-explanatory.

Subsection 8. Self-explanatory.

Commence-
ment of
subss. 4 to
7,—retro-
active
effect.

(9) Subsections 4 to 7 of this section and subsection 2 of section 10 of *The Municipal Amendment Act, 1941*, shall be deemed to have come into force on the 26th day of June, 1939.

Rev. Stat.,
c. 266, s. 404,
para. 46,
amended.

(10) Paragraph 46 of the said section 404 is amended by adding thereto the following clauses:

(b) Where land is acquired under this paragraph, the cost of acquisition and maintenance thereof or any part thereof may be levied against a defined area in the municipality which in the opinion of the council derives special benefit therefrom.

(c) Where land is acquired under this paragraph for park purposes and there is no board of park management the council may appoint three resident rate-payers who need not be members of the council as a committee to regulate and supervise the use of the park.

Rev. Stat.,
c. 266, s. 404,
amended.

(11) The said section 404 is further amended by adding thereto the following paragraph:

Municipal
parking
lots.

46a. For acquiring, establishing, laying out and improving land where vehicles may be parked and for regulating, supervising and governing the parking of vehicles thereon and for charging and collecting a fee for such parking.

Rev. Stat.,
c. 266,
s. 404a, cl. b
(1939,
2nd Sess.,
c. 6, s. 6),
re-enacted.

36.—(1) Clause *b* of section 404a of *The Municipal Act*, as enacted by section 6 of *The Municipal Amendment Act, 1939*, (*No. 2*), is repealed and the following substituted therefor:

Civic em-
ployees on
war leave,—
payment of
bonuses, etc.

(b) by all municipalities as defined in *The Department of Municipal Affairs Act* for providing for the payment of bonuses to and the superannuation, pension or benefit fund contributions of members of the forces or the Corps of (Civilian) Canadian Fire Fighters for Service in the United Kingdom, who at the time of joining such forces or Corps were employees of the corporation or a local board as defined in *The Department of Municipal Affairs Act*, provided that, notwithstanding anything in this or any other general or special Act, no payments shall be made to such members except under this section.

Rev. Stat.,
c. 59.

(i) in this clause “members of the forces” shall mean,—

(a) persons who, having voluntarily offered themselves for appointment to or enlist-

Subsection 9. All amendments to the municipal pension plan legislation are made retroactive in effect to June 26th, 1939, which is the date the original legislation came into force.

Subsection 10. Self-explanatory.

Subsection 11. This provision is new.

SECTION 36. These provisions, first enacted at the special session of the Legislature in September, 1939, are now inadequate. As re-enacted clause (b) will apply not only to members of the armed forces who enlisted but also to those called out for service under the National Resources Mobilization Act (Dominion) and who have volunteered for service overseas and also to members of Municipal fire departments who are in the Corps of (Civilian) Canadian Fire Fighters for Service in the United Kingdom.

ment in any of His Majesty's naval, military or air forces, have been appointed to or enlisted in such forces and have been placed on active service therein;

1940, c. 13,
(Canada).

(b) persons who, having been called up pursuant to *The National Resources Mobilization Act, 1940*, (Canada) and the regulations thereunder, for training, service or duty in any of His Majesty's naval, military or air forces raised in Canada, have volunteered to serve on active service therein and have in consequence thereof been placed on active service; and

(c) persons mentioned in subclause *a* or *b* who having been discharged from the forces, are receiving treatment under the Department of Pensions and National Health (Canada) or are in receipt of assistance or benefit under any rehabilitation organization, agency or scheme designated by the Lieutenant-Governor in Council.

Commence-
ment of
section,—
retroactive
effect.

(2) Subsection 1 shall be deemed to have come into force on the 22nd day of September, 1939.

Rev. Stat.,
c. 266,
s. 404a, cl. *c*,
subcl. iv
'1943, s. 9,
subs. 2),
repealed.

(3) Subclause iv of clause *c* of section 404a of *The Municipal Act*, as amended by subsection 2 of section 9 of *The Municipal Amendment Act, 1943*, is repealed.

Rev. Stat.,
c. 266, s. 405,
para. 53,
amended.

37—(1) Paragraph 53 of section 405 of *The Municipal Act*, as amended by subsection 2 of section 10 of *The Municipal Amendment Act, 1943*, is further amended by striking out all the words after the word "paid" in the fifth line, so that the said paragraph, exclusive of the clauses, shall now read as follows:

Sewer
rents.

53. For charging all persons who own or occupy land drained, or which by by-law of the council is required to be drained, into a common sewer, a reasonable rent for the use of it and for the collection, treatment and disposal of sewage and other wastes; for regulating the time and manner in which the rent is to be paid.

Rev. Stat.,
c. 266, s. 405,
para. 53,
cl. *a*, re-
enacted.

(2) Clause *a* of paragraph 53 of the said section 405 is repealed and the following substituted therefor:

SECTION 37—Subsections 1 and 2. These amendments abolish the right to commute sewer rents or to charge a gross sum in lieu of sewer rent and provide that where a person has paid or is paying local improvement rates in respect of the sewer, he shall not be charged sewer rent.

- (a) No person shall pay rent under this paragraph in respect of land on which local improvement rates for the sewer have been or are being levied.

Rev. Stat.,
c. 266, s. 405,
amended.

- (3) The said section 405 is further amended by adding thereto the following paragraphs:

Bus
franchises.

Rev. Stat.,
c. 277.

68. Subject to the provisions of *The Municipal Franchises Act*, for entering into an agreement with any person for a period not exceeding ten years for granting to such person the exclusive right to maintain and operate busses for the conveyance of passengers in a defined area of the municipality, over such highways in the area and at such rates for fares and charges and on such other terms and conditions as may be thought proper.

- (a) The agreement shall provide that any deficit in operation shall be met by a special rate levied on all the rateable property in the defined area.

- (b) The defined area shall not include any part of the municipality covered by an agreement to which the corporation is a party respecting the furnishing of transportation facilities for passengers.

Rev. Stat.,
c. 289.

- (c) The agreement shall not affect a permit granted under *The Public Vehicle Act*.

- (d) The rates for fares and charges may from time to time, but only once in any year, be increased or decreased by the Municipal Board on the application of the corporation in consequence of a deficit or surplus in the operation of the service.

Fox
bounties.

69. For giving from the 1st day of April to the 31st day of October bounties for the destruction of foxes.

Rev. Stat.,
c. 266, s. 407,
amended.

38. Section 407 of *The Municipal Act* is amended by adding thereto the following paragraph:

Right to
enter
adjoining
lands.

- 6a. For permitting an owner or occupant of any building or the agent or employee of such owner or occupant to enter upon any adjoining land for the purpose of making repairs, alterations or improvements to such building but only to the extent necessary to effect such repairs, alterations or improvements, and every such by-law shall provide that the adjoining land shall be left in the same condition it was in prior to such entry.

Subsection 3—*Re bus franchises*. The power to grant bus franchises which now exists only in the case of townships bordering on or within ten miles of cities having a population of not less than 200,000 (*The Municipal Act*, section 424) is extended by this amendment to all cities, towns, villages and townships.

Re fox bounties. Self-explanatory.

SECTION 38. This provision, which is new, is self-explanatory. It will be applicable to cities, towns and villages.

Rev. Stat.,
c. 266, s. 414,
para. 4, cl. a,
amended.

39. Clause *a* of paragraph 4 of section 414 of *The Municipal Act* is amended by striking out the words "a 'standard hotel' within the meaning of *The Liquor Control Act*" at the end thereof and inserting in lieu thereof the words "an hotel within the meaning of *The Hotel Registration of Guests Act, 1944*", so that the said clause shall now read as follows:

Meaning of
"lodging-
house".

- (a) For the purpose of this subsection a "lodging-house" shall mean any house or building or portion thereof in which persons are harboured or received or lodged for hire for a single night or for less than a week at one time, or any part of which is let for any person to sleep in for any time less than a week, but shall not include an hotel within the meaning of *The Hotel Registration of Guests Act, 1944*.

Rev. Stat.,
c. 266,
s. 424,
repealed.

40. Section 424 of *The Municipal Act* is repealed.

Rev. Stat.,
c. 266,
s. 439,
amended.

41. Section 439 of *The Municipal Act* is amended by adding thereto the following paragraph:

Drain
contractors.

- 3a. For licensing, regulating and governing drain contractors and drain layers.

Rev. Stat.,
c. 266, s. 444,
subs. 2,
amended.

42. Subsection 2 of section 444 of *The Municipal Act* is amended by striking out the words "an urban" in the second line and inserting in lieu thereof the article "the", so that the said subsection shall now read as follows:

Where head
receives
salary.

- (2) Where under the provisions of section 231 the head of the municipality is paid an annual or other remuneration, such head shall not be entitled to payment under this section for attendance at meetings.

Rev. Stat.,
c. 266, s. 445,
re-enacted.

43. Section 445 of *The Municipal Act* is repealed and the following substituted therefor:

Annual re-
muneration.

445.—(1) The council of a municipality may pass by-laws for paying an annual allowance to the members of the council at the following rates in the case of,—

- (a) a city having a population of not less than 200,000, an annual allowance not exceeding \$1200 to aldermen and an additional allowance not exceeding \$100 to each chairman of a standing committee and to the chairman of the court of revision and the local board of health;

SECTION 39. This amendment is complementary to the current amendments to *The Liquor Control Act* and *The Standard Hotel Registration of Guests Act* which discontinue the use of the expression "standard hotel".

SECTION 40. The repeal of this section is complementary to the new paragraph added to section 445 of *The Municipal Act* by section 43 of this Bill.

SECTION 41. Self-explanatory.

SECTION 42. This amendment is complementary to the amendment made to section 231 of *The Municipal Act* by section 14 of this Bill.

SECTION 43. The new section re-enacts the present provisions, now applicable to large cities only, for the remuneration of members of the council to be made on an annual rather than a per meeting basis and extends the principle to all municipalities.

(b) a city having a population of not less than 100,000, an annual allowance not exceeding \$500 to aldermen and an additional allowance not exceeding \$100 to each chairman of a standing committee and to the chairman of the court of revision and the local board of health;

(c) any other municipality, such annual allowance as may be approved by the Department.

Deduction
for ab-
sences.

(2) Every by-law passed under subsection 1 shall provide for the deduction from the annual allowance of a reasonable sum to be fixed by the council for each day's absence from meetings.

Rev. Stat.,
c. 266, s. 446,
re-enacted.

44. Section 446 of *The Municipal Act* is repealed and the following substituted therefor:

Annual
allowances
for local
board.

446. A local board as defined in *The Department of Municipal Affairs Act*, excepting school and library boards, may provide for the payment of such annual allowance for the members thereof as may be approved by the Department.

Rev. Stat.,
c. 59.

Rev. Stat.,
c. 266, s. 525,
amended.

45. Section 525 of *The Municipal Act* is amended by inserting after the word "of" in the last line the words "a ratepayer or", so that the said section shall now read as follows:

Power to
restrain
by action.

525. Where a building is erected or used or land is used in contravention of a by-law passed under the authority of this Act, in addition to any other remedy provided by this Act, and to any penalty imposed by the by-law, such contravention may be restrained by action at the instance of a ratepayer or the corporation.

Rev. Stat.,
c. 266, s. 560,
amended.

46. Section 560 of *The Municipal Act* is amended by striking out the words "Municipal Board" in the second line and inserting in lieu thereof the word "Department".

SECTION 44. Self-explanatory.

SECTION 45. Self-explanatory.

SECTION 46. The amendment makes this section, which was passed prior to the creation of the Department of Municipal Affairs, comply with the present practice established under other statutes.

1st Reading

March 29th, 1944

2nd Reading

3rd Reading

MR. DUNBAR

No. 75

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Municipal Act.

MR. DUNBAR

*(Reprinted as amended in the Committee on Municipal Law
with the provisions of Bill No. 70 incorporated.)*

TORONTO
PRINTED BY T. E. BOWMAN
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BILL

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 266, s. 18,
subs. 1,
amended.

1. Subsection 1 of section 18 of *The Municipal Act* is amended by striking out the figures "500" in the fifth line and inserting in lieu thereof the figures "1500", so that the said subsection shall now read as follows:

Incorporation of
towns in
unorganized
territory.

- (1) Subject to subsection 2 of section 13, the Municipal Board may, upon the application of not less than 75 male inhabitants of the locality, each of the full age of twenty-one years, incorporate as a town the inhabitants of a locality having a population of at least 1500, and situate in one or more of the provisional judicial districts, whether or not it lies within an existing township municipality.

Rev. Stat.,
c. 266, s. 19,
subs. 1,
amended.

2. Subsection 1 of section 19 of *The Municipal Act* is amended by inserting after the word "erect" in the first line the words "a township having a population of not less than 25,000 or", so that the said subsection shall now read as follows:

Erection
of cities
and towns.

- (1) The Municipal Board may erect a township having a population of not less than 25,000 or a town having a population of not less than 15,000 into a city, and a village having a population of not less than 2000 into a town, and declare the name which it is to bear.

Rev. Stat.,
c. 266, s. 24,
re-enacted.

3. Section 24 of *The Municipal Act* is repealed and the following substituted therefor:

Formation
of town-
ships in
unorganized
territory.

- 24.—(1)** The Municipal Board may, upon application of not less than seventy-five male inhabitants of the locality, each of the full age of twenty-one years, incorporate as a township or union of townships the

EXPLANATORY NOTES

SECTION 1. Self-explanatory.

SECTION 2. Self-explanatory.

SECTION 3. These new provisions replace provisions which were enacted many years before the Ontario Municipal Board was created. The old procedures are no longer appropriate.

The new section is patterned on section 18 of *The Municipal Act* which provides for the incorporation of towns in unorganized territory.

inhabitants of a locality situated in unorganized territory and having a population of at least 1000.

Order of
Board.

- (2) The order or orders of the Board shall declare the name which the township shall bear, its boundaries and the date when the incorporation shall take effect, and shall make provision for the election of the members of the first council and such other matters as may be necessary to complete the incorporation, and for the carrying on of the locality as a township municipality.

Rev. Stat.,
c. 266, s. 27,
repealed.

4. Section 27 of *The Municipal Act* is repealed.

Rev. Stat.,
c. 266, s. 44a
(1943,
c. 16, s. 1),
amended.

5. Section 44a of *The Municipal Act*, as enacted by section 1 of *The Municipal Amendment Act, 1943*, is further amended by adding thereto the following subsection:

Local
boards,—
dissolutions.

- (3) Every local board as defined in *The Department of Municipal Affairs Act* in the locality erected into an improvement district shall be dissolved, the dissolution to take effect on such date as may be declared by the Municipal Board.

Rev. Stat.,
c. 59.

Rev. Stat.,
c. 266, s. 44c,
subs. 1,
cl. a
(1943,
c. 16, s. 1),
amended.

- 6.—(1) Clause a of subsection 1 of section 44c of *The Municipal Act*, as enacted by section 1 of *The Municipal Amendment Act, 1943*, is amended by inserting after the word "Act" where it occurs for the first time in the fourth line the words "*The Highway Improvement Act*", so that the said clause shall now read as follows:

Rev. Stat.,
c. 266;
272; 56.

- (a) a municipal corporation and council of a township for the purposes and within the meaning of *The Municipal Act, The Assessment Act, The Highway Improvement Act* and every other general Act relating to municipal institutions.

Rev. Stat.,
c. 266, s. 44c
(1943,
c. 16, s. 1),
amended.

- (2) The said section 44c is further amended by adding thereto the following subsection:

Where im-
provement
district is
situate in
a county.

- (3) Where an improvement district is situate within a county, it shall pay county rates in the same manner as a township municipality and the chairman of the board of trustees shall be a member of the county council in the same manner as the reeve of a township.

Rev. Stat.,
c. 266, s. 69,
subs. 1,
amended.

7. Subsection 1 of section 69 of *The Municipal Act* is amended by striking out the comma following the word "seconder" in the fifth line and by inserting after the word "whom" in the fifth line the words "shall be municipal electors and", so that the said subsection shall now read as follows:

SECTION 4. The section repealed dealt with the incorporation of unions of townships in unorganized territory, a matter covered in section 24 of the Act re-enacted by section 3 of this Bill.

SECTION 5. This provision is necessary in order that all the affairs of an improvement district may be administered by the board of trustees.

SECTION 6—Subsection 1. To remove any doubt as to whether the words of the clause “every other general Act relating to municipal institutions” includes *The Highway Improvement Act*, the Act is specifically mentioned. The amendment is complementary to the amendments to *The Highway Improvement Act* contained in Bill No. 27.

Subsection 2. Self-explanatory.

SECTION 7. The words added are self-explanatory.

Nomination
and pro-
ceedings
incidental
thereto.

- (1) At all nomination meetings, the candidates for each office shall be proposed and seconded *seriatim*, and every nomination shall be in writing, shall state the name, residence and occupation of the candidate, and shall be signed by his proposer and seconder both of whom shall be municipal electors and shall be present, and filed with the returning officer within one hour from the time fixed for holding the meeting.

Rev. Stat.,
c. 266, s. 70,
amended.

8.—(1) Section 70 of *The Municipal Act* is amended by adding thereto the following subsection:

Effect of
filing of
declaration.

- (6a) If one or other of such declarations is filed within the time mentioned in subsection 4 by or on behalf of a person nominated for more than one office, he shall thereupon be deemed to have resigned from all such nominations other than the one for which he qualified.

Rev. Stat.,
c. 266, s. 70,
subs. 9,
amended.

(2) Subsection 9 of the said section 70 is amended by striking out the words "within one week after the day of nomination" in the second line and inserting in lieu thereof the words "which shall be filed within the time mentioned in subsection 4", so that the said subsection shall now read as follows:

Declaration
by person
elected by
acclamation.

- (9) Any person elected by acclamation shall make a declaration of qualification which shall be filed within the time mentioned in subsection 4 and in default he shall be deemed to have resigned.

Rev. Stat.,
c. 266, s. 74,
re-enacted.

9. Section 74 of *The Municipal Act* is repealed and the following substituted therefor:

Nomination
and polling
day in
cities over
100,000.

74. The council of a city having a population of not less than 100,000 may by by-law passed not later in the year than the 15th day of November, provide that the meeting of electors for the nomination of candidates for council and any local board or commission any members of which are to be elected, shall be held on the 21st day of December, except where that day is a Sunday, and in that case on the preceding Friday or Saturday, and that the polling shall take place on the 1st day of January next thereafter except where that day is a Sunday, and in that case on the following day, and the by-law shall remain in force from year to year until repealed.

Rev. Stat.,
c. 266, s. 75,
re-enacted.

10. Section 75 of *The Municipal Act* is repealed and the following substituted therefor:

SECTION 8—Subsection 1. The purpose of this amendment is to prevent a candidate who is nominated for more than one office from qualifying for one of these offices, then changing his mind and qualifying for another.

Subsection 2. Self-explanatory.

SECTION 9. Self-explanatory.

SECTION 10. Self-explanatory.



Nomination
and polling
days in
local muni-
cipalities,
early
December.

75. The council of a local municipality may by by-law passed not later in the year than the 1st day of November, provide that the meeting of electors for nomination of candidates for council and any local board or commission any members of which are to be elected, shall be held on the Friday or Saturday preceding the last Monday in November, and that the polling shall take place on the first Monday in December or on the Saturday next following such first Monday, and the by-law shall remain in force from year to year until repealed.

Rev. Stat.,
c. 266, s. 76,
re-enacted.

11. Section 76 of *The Municipal Act* is repealed and the following substituted therefor:

Nomination
and polling
day in
local muni-
cipalities,—
mid-Decem-
ber.

76. The council of a local municipality may by by-law passed not later in the year than the 15th day of November, provide that the meeting of electors for the nomination of candidates for council and any local board or commission any members of which are to be elected, shall be held on the first Friday or Saturday in December and that polling shall take place on the 14th day of December or on the Saturday next following, except where the 14th day of December is a Sunday and in that case on the following Monday, and the by-law shall remain in force from year to year until repealed.

Rev. Stat.,
c. 266, s. 77,
re-enacted.

12. Section 77 of *The Municipal Act* is repealed and the following substituted therefor:

Nomination
and polling
days in
local muni-
cipalities,—
late Decem-
ber.

77. The council of a local municipality may by by-law passed not later in the year than the 15th day of November, provide that the meeting of electors for the nomination of candidates for council and any local board or commission any members of which are to be elected, shall be held on the 23rd day of December, except where that day is a Sunday and in that case on the preceding Friday or Saturday, and that the polling shall take place on the 1st day of January next thereafter, except where that day is a Sunday, and in that case on the following day, and the by-law shall remain in force from year to year until repealed.

Rev. Stat.,
c. 266, s. 79,
amended.

13. Section 79 of *The Municipal Act* is amended by adding thereto the following subsections:

Staggered
system.

- (2) The by-law passed under subsection 1 may provide that of the members, other than the mayor, reeve and deputy reeve, elected at the first election held

SECTION 11. Self-explanatory.

SECTION 12. Self-explanatory.

SECTION 13—Subsection 2, which is new, will enable municipalities which have two-year councils to adopt the so-called "staggered" system.

after the coming into force of the by-law, the one-half, or in the case of an uneven number the majority, receiving the highest number of votes shall remain in office for a two-year term and the remainder shall remain in office for a one-year term and at every election thereafter all the members shall be elected for a two-year term.

Local
Boards.

Rev. Stat..
c. 59.

- (3) Where a by-law has been or is passed under subsection 1, the council may provide that every elected member of every local board as defined in *The Department of Municipal Affairs Act* shall, notwithstanding the provisions of any general or special Act, be elected at the same time and hold office for the same term as the members of the council and where the term of office of a member of any such board expires before the next election of members of the council his term of office shall be extended for one year.

Subs. 2 to
apply
mutatis
mutandis
to subs. 3.

- (4) Notwithstanding the provisions of any general or special Act, where the power conferred by subsection 3 is exercised, the provisions of subsection 2 shall *mutatis mutandis* apply.

Rev. Stat.,
c. 266, s. 231,
amended.

- 14.** Section 231 of *The Municipal Act* is amended by striking out the words "of a county and of an urban municipality" in the first and second lines, so that the said section shall now read as follows:

Remunera-
tion of
head.

231. The head of the council may be paid such annual or other remuneration as the council may determine.

Rev. Stat.,
c. 266, s. 234,
subs. 1, 2;
s. 238,
amended.

- 15.** Subsections 1 and 2 of section 234 and section 238 of *The Municipal Act* are amended by striking out the word "Every" at the commencement of each of the said subsections and the commencement of the said section and inserting in lieu thereof in each instance the article "The".

Rev. Stat.,
c. 266, s. 240,
subs. 1,
amended.

- 16.** Subsection 1 of section 240 of *The Municipal Act* is amended by adding at the end thereof the words "provided that every cheque issued by the treasurer shall be signed by the treasurer and by some other person designated for the purpose by by-law or resolution of the council and such other person before signing a cheque shall satisfy himself that the issue thereof is authorized", so that the said subsection shall now read as follows:

Treasurer
to receive,
take care
of and
disburse
money, etc.

- (1) The treasurer shall receive, and safely keep, all money of the corporation, and shall pay out the same to such persons and in such manner as the laws of On-

Subsection 3, which is also new, provides that in municipalities which have a two-year council the local boards may be put on a two-year basis in order to avoid the necessity of an election in a year in which there is no election of council.

SECTION 14. At the present time the head of the council of a city town or village can be paid an annual remuneration. All others must be remunerated on a "per meeting" basis. The amendment makes it possible to pay the head of the council of any municipality an annual remuneration.

SECTION 15. Some municipal councils take the view that the word "every" requires the clerk and treasurer to be reappointed year after year by each new council. It is hoped that the removal of the word "every" will end this mistaken practice.

SECTION 16. Self-explanatory.

Proviso.

tario and the by-laws or resolutions of the council direct, provided that every cheque issued by the treasurer shall be signed by the treasurer and by some other person designated for the purpose by by-law or resolution of the council and such other person before signing a cheque shall satisfy himself that the issue thereof is authorized.

Rev. Stat.,
c. 266, s. 248,
subs. 1,
re-enacted.

17. Subsection 1 of section 248 of *The Municipal Act* is repealed and the following substituted therefor:

Appoint-
ment of
auditors.

(1) The council of every municipality shall by by-law appoint one or more auditors who shall be persons licensed by the Department as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the council and every person so appointed shall in addition to his duties in respect of the corporation audit the accounts and transactions of every local board as defined in *The Department of Municipal Affairs Act*, except separate school boards.

Rev. Stat.,
c. 59.

Rev. Stat.,
c. 266, s. 249,
re-enacted;
ss. 250, 250a
(1941, c. 35,
s. 6), 251
and 253
repealed

18. Sections 249 and 250 section, 250a as enacted by section 6 of *The Municipal Amendment Act, 1941*, and sections 251 and 253 of *The Municipal Act* are repealed and the following substituted therefor:

Duties of
auditors.

249. The auditors shall perform such duties as are prescribed by the Department.

Rev. Stat.,
c. 266, s. 254,
amended.

19. Section 254 of *The Municipal Act* is amended by striking out the words "a city or town" in the first line and inserting in lieu thereof the words "any municipality", so that the said section shall now read as follows:

Audit of
accounts
before
payment.

254. The council of any municipality may provide that all accounts shall be audited before payment.

Rev. Stat.,
c. 266, s. 258,
subs. 1,
amended.

20.—(1) Subsection 1 of section 258 of *The Municipal Act*, as amended by subsection 2 of section 14 of *The Municipal Amendment Act, 1939*, is further amended by striking out all the words after the word "statement" in the third line and inserting in lieu thereof the words "signed by the head of the council and the treasurer of the revenues and expenditures for the current year in the form and manner prescribed by the Department", so that the said subsection shall now read as follows:

Publication
of state-
ments of
assets and
liabilities.

(1) Except as provided in subsection 5, the council of every town, village and township shall hold a meeting

SECTIONS 17, 18 and 19. These sections of the Bill deal with municipal auditors and audits.

At the present time *The Municipal Act* provides three alternative methods of appointing municipal auditors:

(1) two auditors to be appointed at the first meeting of council in each year for the year;

(2) two auditors to be appointed in November or December in each year for the succeeding year; and

(3) one or more auditors to be appointed at any time to hold office during pleasure.

In the interests of continuity the provisions for annual appointments are repealed and all appointees given the same security in office as now pertains in the case of auditors of cities.

The provision, first enacted in 1941, that only persons licensed as municipal auditors by the Department of Municipal Affairs may be employed as such, is retained.

Sections 251 and 253 of the Act are repealed as they deal with the duties of auditors, matters which for some years have been prescribed and regulated by the Department of Municipal Affairs.

SECTION 20—Subsection 1. This amendment will enable a uniform practice to be established.

on the 15th day of December in each year, and shall immediately thereafter publish a detailed statement signed by the head of the council and the treasurer of the revenues and expenditures for the current year in the form and manner prescribed by the Department.

Rev. Stat.,
c. 266, s. 258,
subs. 2,
repealed.

(2) Subsection 2 of the said section 258 is repealed.

Rev. Stat.,
c. 266, s. 258,
subs. 5,
amended.

(3) Subsection 5 of the said section 258 is amended by striking out the figures "76" and "77" in the second line and inserting in lieu thereof the figures "75" and "76" respectively and by striking out all the words after the figure "1" in the fifth line, so that the said subsection shall now read as follows:

Meeting and
publication
of statement.

(5) The council of every town, village and township in which a by-law passed under section 75 or 76 is in force shall hold a meeting on the 15th day of November in each year and shall immediately thereafter publish the detailed statement provided for by subsection 1.

Rev. Stat.,
c. 266,
s. 265a
(1941,
c. 35, s. 7),
repealed.

21. Section 265a of *The Municipal Act*, as enacted by section 7 of *The Municipal Amendment Act, 1941*, is repealed.

Rev. Stat.,
c. 266, s. 305,
subs. 3,
repealed.

22.—(1) Subsection 3 of section 305 of *The Municipal Act* is repealed.

Rev. Stat.,
c. 266, s. 305,
subs. 4,
re-enacted.

(2) Subsection 4 of the said section 305 is repealed and the following substituted therefor:

Annual
instalments
of principal
and interest.

(4) The instalments of principal shall be of such amounts that, with the interest in respect of the debt, payable annually or semi-annually, the aggregate amount payable for principal and interest in each year shall be for an even \$100, \$500 or \$1000, or multiple thereof and the amounts of such instalments may vary from year to year.

Rev. Stat.,
c. 266, s. 305,
subs. 5,
amended.

(3) Subsection 5 of the said section 305 is amended by striking out the word "equal" in the third line, so that the said subsection shall now read as follows:

Instalments
of principal.

(5) Instead of the principal being made payable as above provided, the by-law may provide that the principal may be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid.

Subsection 2. The matters dealt with in subsection 2 are now dealt with in subsection 1. It is therefore repealed.

Subsection 3. These amendments are complementary to sections 10 and 11 of this Bill.

SECTION 21. The operation of this section is ended. It is therefore repealed.

SECTION 22—Subsection 1. Sinking fund debentures are no longer issued. Subsection 3 of section 305 is therefore repealed.

Subsection 2. This amendment will prevent the continuance of the practice of issuing debentures which combine annual principal and interest payments as the required calculations are difficult and result in odd amounts. It also provides that the amounts of the annual payments may be varied.

Subsection 3. Self-explanatory.

Rev. Stat.,
c. 266, s. 305,
subs. 14,
repealed.

(4) Subsection 14 of the said section 305 is repealed.

Rev. Stat.,
c. 266, s. 305,
subs. 15,
amended.

(5) Subsection 15 of the said section 305, as enacted by section 2 of *The Municipal Amendment Act, 1939 (No. 2)*, and amended by section 10 of *The Municipal Amendment Act, 1940*, is further amended by striking out the word "may" in the first line and inserting in lieu thereof the word "shall" and by adding thereto the following clause:

(f) Where a debenture is redeemed on a date prior to maturity, such redemption shall not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the council to continue to levy and collect such special assessments and instalments thereof.

Commence-
ment of cl. f,
subs. 15,
s. 305.

(6) Clause f of subsection 15 of section 305 of *The Municipal Act* as enacted by subsection 4 of this section shall be deemed to have come into force on the 22nd day of September, 1939.

Rev. Stat.,
c. 266, s. 307,
subs. 3,
cl. aa (1939,
2nd Sess.,
c. 6, s. 3),
amended.

23.—(1) Clause aa of subsection 3 of section 307 of *The Municipal Act*, as enacted by section 3 of *The Municipal Amendment Act, 1939 (No. 2)*, is amended by inserting after the word "in" in the second line the words "paragraph 41a of section 404 or in", so that the said clause shall now read as follows:

(aa) for borrowing money for any of the purposes mentioned in paragraph 41a of section 404 or in section 404a; or

Rev. Stat.,
c. 266, s. 307,
subs. 3, cl. h,
repealed.

(2) Clause h of subsection 3 of the said section 307 is repealed.

Rev. Stat.,
c. 266, s. 308,
re-enacted.

24. Section 308 of *The Municipal Act* is repealed and the following substituted therefor:

Contracts
for supply
of public
utility.

308.—(1) A municipal corporation with the assent of the electors may enter into a contract for the supply of a public utility as defined in *The Public Utilities Act* to the municipal corporation for its use or for resale or to the inhabitants thereof for their use for any period not exceeding ten years and for renewing such contract from time to time for further periods not exceeding ten years at any one time.

Where
particular
areas only
are bene-
fited.

(2) Where a municipal corporation enters into a contract for the supply of a public utility for its use and such use is confined to a particular area of the municipality, the council may levy a special annual rate on

Subsection 4. Subsection 14 is repealed as sinking fund debentures are no longer issued.

Subsection 5. Self-explanatory.

Subsection 6. The effective date of the present amendments is September 22nd, 1939, because on this date the first legislation providing for the callable feature in debentures came into force.

SECTION 23—Subsection 1. The words added have reference to municipal pension plans.

Subsection 2. The provision repealed was to the effect that a county by-law guaranteeing the debentures of a local municipality did not require the assent of the electors. A county is no longer authorized to guarantee the debentures of a local municipality. Consequently the provision is repealed.

SECTION 24. The section as re-enacted makes it clear that a municipality may purchase a utility for its own use or for resale.

Subsection 2, which is new, provides for a proper allocation of the cost of a utility where the municipality at large does not benefit.

all the rateable property in such area to defray the cost thereof.

Rev. Stat.,
c. 266, s. 316,
subs. 2,
re-enacted.

25. Subsection 2 of section 316 of *The Municipal Act* is repealed and the following substituted therefor:

Allowances
to be
made in
estimates.

- (2) In preparing the estimates the council shall make due allowance for a surplus of any previous year which will be available during the current year and shall provide for any operating deficit of any previous year and for the cost of collection, abatement of and discount on taxes and uncollectible taxes and may provide for taxes which it is estimated will not be collected during the year.

Rev. Stat.,
c. 266,
s. 316a,
subs. 1
(1943,
c. 16, s. 6),
amended.

26. Subsection 1 of section 316a of *The Municipal Act*, as enacted by section 6 of *The Municipal Amendment Act, 1943*, is amended by striking out the words "The council of every municipality" at the commencement and inserting in lieu thereof the words "Every municipality as defined in *The Department of Municipal Affairs Act*", and by adding at the end thereof the words "provided that where the approval of the council is required by law for a capital expenditure or the issue of debentures of a local board, the approval of the council of a provision in the estimates of such local board for a reserve fund shall be obtained", so that the said subsection shall now read as follows:

Reserve
funds.

- (1) Every municipality as defined in *The Department of Municipal Affairs Act* may in each year for the duration of the present war and with the approval of the Department provide in the estimates for the establishment or maintenance of a reserve fund for use after the war in providing necessary replacements of or improvements in public works, provided that where the approval of the council is required by law for a capital expenditure or the issue of debentures of a local board, the approval of the council of a provision in the estimates of such local board for a reserve fund shall be obtained.

Proviso.

Rev. Stat.,
c. 266,
amended.

27. *The Municipal Act* is amended by adding thereto the following section:

Replace-
ment of lost
debentures.

- 336a. Where a debenture is defaced, lost or destroyed, the council may by by-law provide for the replacing of the same on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide.

Rev. Stat.,
c. 266, s. 339,
subs. 4,
re-enacted.

28. Subsection 4 of section 339 of *The Municipal Act* is repealed and the following substituted therefor:

SECTION 25. The subsection as re-enacted provides for making an allowance for an available surplus and states that provision shall be made for an operating deficit. These items are new.

SECTION 26. The provision as re-enacted will apply to all local boards as well as to all municipalities. In the case of certain local boards, the approval of council is required.

SECTION 27. This provision is new. It is self-explanatory.

SECTION 28. The subsection as re-enacted clarifies the meaning of the expression "estimated revenues."

Exclusion
from
estimated
revenues.

- (4) For the purposes of subsections 2 and 3, estimated revenues shall not include revenues derivable or derived from the sale of assets, borrowings or issues of debentures or from a surplus including arrears of taxes and proceeds from the sale of assets.

29. Section 340 of *The Municipal Act* is repealed and the following substituted therefor:

Temporary
advances.

340. Where by this or any other Act power is conferred on a corporation to borrow money, it shall include, pending the issue and sale of the debentures, the power to agree with a bank or person for temporary advances from time to time to meet expenditures incurred.

30.—(1) Subsection 1 of section 364 of *The Municipal Act*, as re-enacted by section 4 of *The Municipal Amendment Act, 1938 (No. 2)*, and amended by section 7 of *The Municipal Amendment Act, 1943*, is further amended by inserting after the word “any” in the second line the words “village or”, so that the said subsection shall now read as follows:

Constitution
of board
of com-
missioners
of police.

- (1) Notwithstanding the provisions of any special Act, every city shall, and any village or township having a population in excess of 5,000 according to the last revised assessment roll and every county and town may, by by-law, constitute a board of commissioners of police.

Rev. Stat.,
c. 266, s. 364,
subs. 6,
amended.

- (2) Subsection 6 of the said section 364 as re-enacted by section 4 of *The Municipal Amendment Act, 1938 (No. 2)*, is amended by inserting after the article “a” in the first line the word “village”, so that the said subsection shall now read as follows:

Repeal of
by-law.

- (6) The by-law of a village, township, county or town passed pursuant to subsection 1 may, with the consent of the Attorney-General thereto, be repealed, and if so repealed the board shall be dissolved on the 1st day of January next after the passing of the repealing by-law.

Rev. Stat.,
c. 266, s. 370,
amended.

31. Section 370 of *The Municipal Act*, as amended by section 20 of *The Municipal Amendment Act, 1939*, is further amended by striking out the words “cities, and in townships, counties and towns” in the first and second lines and inserting in lieu thereof the words “a municipality”, so that the said section shall now read as follows:

Police
force,—
where board
constituted.

370. The police force in a municipality having a board of commissioners of police, shall consist of a chief

SECTION 29. The section as re-enacted clarifies the authority to make temporary borrowings pending the issue of debentures.

SECTION 30—Subsection 1. At the present time police commissions must be constituted in cities and may be constituted in towns and counties and in townships having a population of more than 5,000. This amendment extends the right to villages having a population of more than 5,000.

Subsection 2. This amendment is complementary to that made by subsection 1 of this section of the Bill. See note to subsection 1 of this section of the Bill.

SECTIONS 31, 32, 33 and 34. These minor amendments are necessary because of the amendment made by section 30 of this Bill. They are merely complementary and effect no change. See note to section 30 of this Bill.

constable and as many constables and other officers and assistants as the council may deem necessary, but, in cities, not less than the board reports to be absolutely required.

Rev. Stat.,
c. 266, s. 376,
amended.

32. Section 376 of *The Municipal Act* is amended by inserting after the word "village" in the second line the words "not having a board", so that the said section shall now read as follows:

Towns and
villages,—
where no
board.

376. The council of every town not having a board shall, and the council of every village not having a board may, appoint one chief constable and one or more constables.

Rev. Stat.,
c. 266, s. 378,
subs. 2,
amended.

33. Subsection 2 of section 378 of *The Municipal Act* is amended by striking out the words "city or town" in the second line and inserting in lieu thereof the word "municipality", so that the said section shall now read as follows:

Exception.

(2) The provisions of subsection 1 as to suspension shall not apply to a member of the police force of a municipality which has a board of commissioners of police.

Rev. Stat.,
c. 266, s. 382,
re-enacted.

34. Section 382 of *The Municipal Act*, as amended by section 6 of *The Municipal Amendment Act, 1938 (No. 2)*, is repealed and the following substituted therefor:

Power of
suspension.

382.—(1) Where there is no board of commissioners of police, the head of the municipality or a magistrate may suspend any police officer from office for any period and may appoint another person to such office during such period, and if he considers the suspended officer deserving of dismissal, he shall immediately after suspending him so report to the council and the council may dismiss such officer or may direct that he be restored to his office after the period of suspension has expired.

Exception.

(2) Except with the written permission of the head of the municipality or the magistrate who suspended him, an officer, during suspension, shall not act as such or be entitled to any salary or other remuneration.

Rev. Stat.,
c. 266, s. 404,
para. 7,
amended.

35.—(1) Paragraph 7 of section 404 of *The Municipal Act* is amended by adding thereto the following clause:

(a) Before passing a by-law under this paragraph the council may direct that an engineer's report, with

SECTION 35—Subsection 1. Self-explanatory.

or without a survey, be prepared and the cost thereof may be levied against all the rateable property in the municipality or in a defined area thereof which in the opinion of council derives special benefit therefrom.

Rev. Stat.,
c. 266, s. 404,
para. 28,
amended.

(2) Paragraph 28 of the said section 404 is amended by inserting after the word "hospitals" in the third line the words "or public sanatoria", so that the said paragraph shall now read as follows:

Aiding
erection,
etc., of
hospitals and
sanatoria.

28. For granting aid to any incorporated society or any association of individuals for the erection, establishment, maintenance or equipment of public hospitals or public sanatoria in any municipality for the treatment of persons suffering from disease or from injuries.

Rev. Stat.,
c. 266, s. 404,
paras. 30,
36, 37, 38
and 39, re-
enacted.

(3) Paragraphs 30, 36, 37, 38 and 39 of the said section 404 are repealed and the following substituted therefor:

War
memorials,
etc.

30. Subject to the approval of the Department, for erecting and maintaining or for granting aid for the erection and maintenance of monuments, memorial windows, tablets, buildings or parks, in commemoration of the persons or any class thereof who served in the armed forces of His Majesty or His Majesty's allies during any war.

(a) The corporation may borrow money for the purposes of this paragraph by the issue of debentures payable in not more than ten years from the date of issue and may levy a special rate in each year on all the rateable property in the municipality sufficient to pay the instalments of principal and the interest falling due in respect of the debentures.

(b) Any such monument may with the approval of the Municipal Board, on application by the corporation, be erected in any highway not less than sixty-six feet in width and over which the corporation has jurisdiction.

(c) Any such building may be established and equipped as a home or club-house for such persons or any class thereof or may be used for such purposes as the council may deem proper.

Subsection 2. Self-explanatory.

Subsections 3 and 4. War memorials and kindred subjects are now dealt with in paragraphs 30, 36, 37, 38 and 39 of section 404 of *The Municipal Act*. These provisions are applicable only to the Great War, 1914-1918. The provisions as re-enacted are consolidated and revised and will apply to all persons who served in the armed forces of His Majesty or His Majesty's allies in any war.

- (d) The councils of two or more municipalities may enter into an agreement for carrying out any of the purposes of this paragraph in any one of such municipalities.

Aid to
widows, etc.

31. Subject to the approval of the Department for granting aid to any fund established for the purpose of providing allowances or other assistance to the dependents of persons who died while serving in the armed forces of His Majesty or His Majesty's allies during any war and who immediately before entering such service resided in the municipality for at least six months.

Grants to
members of
armed
forces.

32. Subject to the approval of the Department, for making grants to persons who served in the armed forces of His Majesty or His Majesty's allies during any war.

Exemption
from
taxation.

33. Subject to the approval of the Department, for exempting from taxation, except for local improvement and school purposes, for a period not exceeding ten years, any premises actually used and occupied as a memorial home, club-house or athletic grounds by persons who served in the armed forces of His Majesty or His Majesty's allies in any war.

Rev. Stat.,
c. 266, s. 404,
para. 31,
amended.

- (4) Paragraph 31 of the said section 404 is renumbered as paragraph 34.

Rev. Stat.,
c. 266,
s. 404,
para. 41a
(1939,
c. 30, s. 23,
subs. 2),
re-enacted.

- (5) Paragraph 41a of the said section 404 as enacted by subsection 2 of section 23 of *The Municipal Amendment Act, 1939*, other than the clauses, is repealed and the following substituted therefor:

Pensions.

R S.C., c. 7.

Rev. Stat.,
c. 256.

- 41a. For providing, by arrangement either with His Majesty pursuant to the *Government Annuities Act* (Canada) or with an insurer licensed under *The Insurance Act* or with both His Majesty and an insurer as aforesaid, pensions for employees or any class thereof and their wives and children.

Rev. Stat.,
c. 266,
s. 404,
para. 41a,
cl. a,
subcl. i
(1939,
c. 30, s. 23,
subs. 2),
amended.

- (6) Subclause i of clause a of paragraph 41a of the said section 404 is amended by inserting after the word "mean" in the first line the words "any person designated as an employee by the Department and shall include", and by striking out the words "full-time" in the third line, so that the said subclause shall now read as follows:

Subsection 5. The petition feature of the present municipal pension plan legislation is removed and provision is made for setting up such plans either with His Majesty under the *Government Annuities Act* (Canada) or with an insurer under *The Insurance Act*, or with both.

Subsection 6. The definition of "employee" is extended to persons designated as such by the Department and to include "part-time" employees.

"Employee".

- (i) "Employee" shall mean any person designated as an employee by the Department and shall include any salaried officer, clerk, workman, servant or other person in the employ of the municipality or of a local board, except school teachers and inspectors to whom *The Teachers' and Inspectors' Superannuation Act* is applicable, and except employees to whom *The Power Commission Insurance Act* is applicable.

Rev. Stat.,
cc. 366, 62.

Rev. Stat.,
c. 266, s. 404,
para. 41a,
cl. b (1939,
c. 30, s. 23,
subs. 2),
amended.

- (7) Clause *b* of paragraph 41a of the said section 404 as amended by subsection 2 of section 10 of *The Municipal Amendment Act, 1941*, is further amended by inserting after the word "be" in the fourth line the words "amended or", so that the said clause shall now read as follows:

Approval
by Depart-
ment.

- (b) No by-law passed under this paragraph shall become operative until approved by the Department, nor shall any by-law passed under this paragraph and approved by the Department be amended or repealed without the approval of the Department.

Rev. Stat.,
c. 266, s. 404,
para. 41a,
cl. c (1939,
c. 30, s. 23,
subs. 2),
amended.

- (8) Clause *c* of paragraph 41a of the said section 404 is amended by inserting after the word "contributions" in the first line the words "other than the initial payments or contributions", so that the said clause shall now read as follows:

Contribu-
tions to be
deemed
current ex-
penditures.

- (c) Payments or contributions, other than the initial payments or contributions, made by a municipality under this paragraph shall be deemed to be current expenditures.

Commence-
ment of
subss. 4 to
7,—retro-
active
effect.

- (9) Subsections 4 to 7 of this section and subsection 2 of section 10 of *The Municipal Amendment Act, 1941*, shall be deemed to have come into force on the 26th day of June, 1939.

Rev. Stat.,
c. 266, s. 404,
para. 46,
amended.

- (10) Paragraph 46 of the said section 404 is amended by adding thereto the following clauses:

- (b) Where land is acquired under this paragraph, the cost of acquisition and maintenance thereof or any part thereof may be levied against a defined area in the municipality which in the opinion of the council derives special benefit therefrom.

- (c) Where land is acquired under this paragraph for park purposes and there is no board of park management the council may appoint three resident rate-payers who need not be members of the council as a committee to regulate and supervise the use of the park.

Subsection 7. Self-explanatory.

Subsection 8. Self-explanatory.

Subsection 9. All amendments to the municipal pension plan legislation are made retroactive in effect to June 26th, 1939, which is the date the original legislation came into force.

Subsection 10. Self-explanatory.

Rev. Stat.,
c. 266, s. 404,
amended.

(11) The said section 404 is further amended by adding thereto the following paragraph:

Municipal
parking
lots.

46a. For acquiring, establishing, laying out and improving land where vehicles may be parked and for regulating, supervising and governing the parking of vehicles thereon provided a fee is charged and collected for such parking.

Rev. Stat.,
c. 266,
s. 404a, cl. b
(1939,
2nd Sess.,
c. 6, s. 6),
re-enacted.

36.—(1) Clause *b* of section 404a of *The Municipal Act* as enacted by section 6 of *The Municipal Amendment Act, 1939, (No. 2)*, is repealed and the following substituted therefor:

Civic em-
ployees on
war leave,—
payment of
bonuses, etc.

(b) by all municipalities as defined in *The Department of Municipal Affairs Act* for providing for the payment of bonuses to and the superannuation, pension or benefit fund contributions of members of the forces or the Corps of (Civilian) Canadian Fire Fighters for Service in the United Kingdom, who at the time of joining such forces or Corps were employees of the corporation or a local board as defined in *The Department of Municipal Affairs Act* provided that, notwithstanding anything in this or any other general or special Act, no payments shall be made to such members except under this section

Rev. Stat.,
c. 59.

(i) in this clause “members of the forces” shall mean,—

(a) persons who, having voluntarily offered themselves for appointment to or enlistment in any of His Majesty's naval, military or air forces, have been appointed to or enlisted in such forces and have been placed on active service therein;

1940, c. 13,
(Canada).

(b) persons who, having been called up pursuant to *The National Resources Mobilization Act, 1940, (Canada)* and the regulations thereunder, for training, service or duty in any of His Majesty's naval, military or air forces raised in Canada have volunteered to serve on active service therein and have in consequence thereof been placed on active service and

(c) persons mentioned in subclause *a* or who having been discharged from the

Subsection 11. This provision is new.

SECTION 36. These provisions, first enacted at the special session of the Legislature in September, 1939, are now inadequate. As re-enacted clause (b) will apply not only to members of the armed forces who enlisted but also to those called out for service under the National Resources Mobilization Act (Dominion) and who have volunteered for service overseas and also to members of Municipal fire departments who are in the Corps of (Civilian) Canadian Fire Fighters for Service in the United Kingdom.

forces, are receiving treatment under the Department of Pensions and National Health (Canada) or are in receipt of assistance or benefit under any rehabilitation organization, agency or scheme designated by the Lieutenant-Governor in Council.

Commence-
ment of
section,—
retroactive
effect.

(2) Subsection 1 shall be deemed to have come into force on the 22nd day of September, 1939.

Rev. Stat.,
c. 266,
s. 404a, cl. c,
subcl. iv
(1943,
c. 16, s. 9,
subs. 2),
repealed.

(3) Subclause iv of clause c of section 404a of *The Municipal Act*, as amended by subsection 2 of section 9 of *The Municipal Amendment Act, 1943*, is repealed.

Rev. Stat.,
c. 266, s. 405,
para. 53,
amended.

37.—(1) Paragraph 53 of section 405 of *The Municipal Act*, as amended by subsection 2 of section 10 of *The Municipal Amendment Act, 1943*, is further amended by striking out all the words after the word “paid” in the fifth line, so that the said paragraph, exclusive of the clauses, shall now read as follows:

Sewer
rents.

53. For charging all persons who own or occupy land drained, or which by by-law of the council is required to be drained, into a common sewer, a reasonable rent for the use of it and for the collection, treatment and disposal of sewage and other wastes; for regulating the time and manner in which the rent is to be paid.

Rev. Stat.,
c. 266, s. 405,
para. 53,
cl. a, re-
enacted.

(2) Clause a of paragraph 53 of the said section 405 is repealed and the following substituted therefor:

(a) No person shall pay rent under this paragraph in respect of land on which local improvement rates for the sewer have been or are being levied.

Rev. Stat.,
c. 266, s. 405,
amended.

(3) The said section 405 is further amended by adding thereto the following paragraphs:

Bus
franchises.

68. Subject to the provisions of *The Municipal Franchises Act*, for entering into an agreement with any person for a period not exceeding ten years for granting to such person the exclusive right to maintain and operate busses for the conveyance of passengers in a defined area of the municipality, over such highways in the area and at such rates for fares and charges and on such other terms and conditions as may be thought proper.

Rev. Stat.,
c. 277.

SECTION 37—Subsections 1 and 2. These amendments abolish the right to commute sewer rents or to charge a gross sum in lieu of sewer rent and provide that where a person has paid or is paying local improvement rates in respect of the sewer, he shall not be charged sewer rent.

Subsection 3—*Re bus franchises*. The power to grant bus franchises which now exists only in the case of townships bordering on or within ten miles of cities having a population of not less than 200,000 (*The Municipal Act*, section 424) is extended by this amendment to all cities, towns, villages and townships.

Re fox bounties. Self-explanatory.

Re right to enter adjoining lands. Self-explanatory.



- (a) The agreement shall provide that any deficit in operation shall be met by a special rate levied on all the rateable property in the defined area.
 - (b) The defined area shall not include any part of the municipality covered by an agreement to which the corporation is a party respecting the furnishing of transportation facilities for passengers.
 - (c) The agreement shall not affect a permit granted under *The Public Vehicle Act*.
 - (d) The rates for fares and charges may from time to time, but only once in any year, be increased or decreased by the Municipal Board on the application of the corporation in consequence of a deficit or surplus in the operation of the service.

Rev. Stat.,
c. 289.

Fox
bounties.

69. For giving from the 1st day of April to the 31st day of October bounties for the destruction of foxes.

Right to
enter
adjoining
lands.

70. For permitting an owner or occupant of any building or the agent or employee of such owner or occupant to enter upon any adjoining land for the purpose of making repairs, alterations or improvements to such building but only to the extent necessary to effect such repairs, alterations or improvements, and every such by-law shall provide that the adjoining land shall be left in the same condition it was in prior to such entry.

Rev. Stat.,
c. 266, s. 407,
amended.

38. Section 407 of *The Municipal Act* is amended by adding thereto the following paragraph:

Window
cleaners.

52. For requiring the installation and maintenance of safety devices for window cleaners, for inspecting such devices and for prohibiting any person from cleaning the outside of windows of buildings on which such devices are installed unless such devices are used.

Rev. Stat.,
c. 266, s. 414,
para. 4, cl. a,
amended.

39. Clause *a* of paragraph 4 of section 414 of *The Municipal Act* is amended by striking out the words "a 'standard hotel' within the meaning of *The Liquor Control Act*" at the end thereof and inserting in lieu thereof the words "an hotel within the meaning of *The Hotel Registration of Guests Act, 1944*", so that the said clause shall now read as follows:

SECTION 38. This provision, which is new, will enable urban municipalities to pass by-laws requiring the installation and maintenance of safety devices for window cleaners.

SECTION 39. This amendment is complementary to the current amendments to *The Liquor Control Act* and *The Standard Hotel Registration of Guests Act* which discontinue the use of the expression "standard hotel".

Meaning of
"lodging-
house".

- (a) For the purpose of this subsection a "lodging-house" shall mean any house or building or portion thereof in which persons are harboured or received or lodged for hire for a single night or for less than a week at one time, or any part of which is let for any person to sleep in for any time less than a week, but shall not include an hotel within the meaning of *The Hotel Registration of Guests Act, 1944*.

Rev. Stat.,
c. 266,
s. 424,
repealed.

40. Section 424 of *The Municipal Act* is repealed.

Rev. Stat.,
c. 266, s. 430,
amended.

41. Section 430 of *The Municipal Act* is amended by striking out the word "junk" wherever it occurs in the said section and inserting in lieu thereof in each instance the word "salvage".

Rev. Stat.,
c. 266,
s. 439,
amended.

42. Section 439 of *The Municipal Act* is amended by adding thereto the following paragraph:

Drain
contractors.

- 3a. For licensing, regulating and governing drain contractors and drain layers.

Rev. Stat.,
c. 266, s. 444,
subs. 2,
amended.

43. Subsection 2 of section 444 of *The Municipal Act* is amended by striking out the words "an urban" in the second line and inserting in lieu thereof the article "the", so that the said subsection shall now read as follows:

Where head
receives
salary.

- (2) Where under the provisions of section 231 the head of the municipality is paid an annual or other remuneration, such head shall not be entitled to payment under this section for attendance at meetings.

Rev. Stat.,
c. 266, s. 445,
re-enacted.

44. Section 445 of *The Municipal Act* is repealed and the following substituted therefor:

Annual re-
muneration.

- 445.—(1) The council of a municipality may pass by-laws for paying an annual allowance to the members of the council at the following rates in the case of,—

(a) a city having a population of not less than 200,000, an annual allowance not exceeding \$1200 to aldermen and an additional allowance not exceeding \$100 to each chairman of a standing committee and to the chairman of the court of revision and the local board of health;

(b) a city having a population of not less than 100,000, an annual allowance not exceeding \$500 to aldermen and an additional allowance

SECTION 40. The repeal of this section is complementary to the new paragraph added to section 445 of *The Municipal Act* by section 43 of this Bill.

SECTION 41. The name of junk yards, junk shops, etc., is changed to salvage yards, salvage shops, etc.

SECTION 42. Self-explanatory.

SECTION 43. This amendment is complementary to the amendment made to section 231 of *The Municipal Act* by section 14 of this Bill.

SECTION 44. The new section re-enacts the present provisions, now applicable to large cities only, for the remuneration of members of the council to be made on an annual rather than a per meeting basis and extends the principle to all municipalities.

not exceeding \$100 to each chairman of a standing committee and to the chairman of the court of revision and the local board of health;

- (c) any other municipality, such annual allowance as may be approved by the Department.

Deduction
for ab-
sences.

- (2) Every by-law passed under subsection 1 shall provide for the deduction from the annual allowance of a reasonable sum to be fixed by the council for each day's absence from meetings.

Rev. Stat.,
c. 266, s. 446,
re-enacted.

- 45.** Section 446 of *The Municipal Act* is repealed and the following substituted therefor:

Annual
allowances
for local
board.

446. A local board as defined in *The Department of Municipal Affairs Act*, excepting school and library boards, may provide for the payment of such annual allowance for the members thereof as may be approved by the Department.

Rev. Stat.,
c. 59.

Rev. Stat.,
c. 266, s. 525,
amended.

- 46.** Section 525 of *The Municipal Act* is amended by inserting after the word "of" in the last line the words "a ratepayer or", so that the said section shall now read as follows:

Power to
restrain
by action.

525. Where a building is erected or used or land is used in contravention of a by-law passed under the authority of this Act, in addition to any other remedy provided by this Act, and to any penalty imposed by the by-law, such contravention may be restrained by action at the instance of a ratepayer or the corporation.

Rev. Stat.,
c. 266, s. 560,
amended.

- 47.** Section 560 of *The Municipal Act* is amended by striking out the words "Municipal Board" in the second line and inserting in lieu thereof the word "Department".

Commence-
ment of Act.

- 48.** This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

- 49.** This Act may be cited as *The Municipal Amendment Act, 1944*.

SECTION 45. Self-explanatory.

SECTION 46. Self-explanatory.

SECTION 47. The amendment makes this section, which was passed prior to the creation of the Department of Municipal Affairs, comply with the present practice established under other statutes.

1st Reading

March 29th, 1944

2nd Reading

March 30th, 1944

3rd Reading

MR. DUNBAR

*(Reprinted as amended in the Committee on
Municipal Law with the provisions
of Bill No. 70 incorporated.)*

No. 75

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Municipal Act.

MR. DUNBAR

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 266, s. 18,
subs. 1,
amended.

1. Subsection 1 of section 18 of *The Municipal Act* is amended by striking out the figures "500" in the fifth line and inserting in lieu thereof the figures "1500", so that the said subsection shall now read as follows:

Incorporation
of
towns in
unorganized
territory.

- (1) Subject to subsection 2 of section 13, the Municipal Board may, upon the application of not less than 75 male inhabitants of the locality, each of the full age of twenty-one years, incorporate as a town the inhabitants of a locality having a population of at least 1500, and situate in one or more of the provincial judicial districts, whether or not it lies within an existing township municipality.

Rev. Stat.,
c. 266, s. 19,
subs. 1,
amended.

2. Subsection 1 of section 19 of *The Municipal Act* is amended by inserting after the word "erect" in the first line the words "a township having a population of not less than 25,000 or", so that the said subsection shall now read as follows:

Erection
of cities
and towns.

- (1) The Municipal Board may erect a township having a population of not less than 25,000 or a town having a population of not less than 15,000 into a city, and a village having a population of not less than 2000 into a town, and declare the name which it is to bear.

Rev. Stat.,
c. 266, s. 24,
re-enacted.

3. Section 24 of *The Municipal Act* is repealed and the following substituted therefor:

Formation
of town-
ships in
unorganized
territory.

- 24.—(1) The Municipal Board may, upon application of not less than seventy-five male inhabitants of the locality, each of the full age of twenty-one years, incorporate as a township or union of townships the

inhabitants of a locality situated in unorganized territory and having a population of at least 1000.

- (2) The order or orders of the Board shall declare the name which the township shall bear, its boundaries and the date when the incorporation shall take effect, and shall make provision for the election of the members of the first council and such other matters as may be necessary to complete the incorporation, and for the carrying on of the locality as a township municipality. Order of Board.

4. Section 27 of *The Municipal Act* is repealed.

Rev. Stat.,
c. 266, s. 27,
repealed.

5. Section 44a of *The Municipal Act*, as enacted by section 1 of *The Municipal Amendment Act, 1943*, is further amended by adding thereto the following subsection:

Rev. Stat.,
c. 266, s. 44a
(1943,
c. 16, s. 1),
amended.

- (3) Every local board as defined in *The Department of Municipal Affairs Act* in the locality erected into an improvement district shall be dissolved, the dissolution to take effect on such date as may be declared by the Municipal Board. Local boards,—
dissolutions.
Rev. Stat.,
c. 59.

6.—(1) Clause *a* of subsection 1 of section 44c of *The Municipal Act*, as enacted by section 1 of *The Municipal Amendment Act, 1943*, is amended by inserting after the word "Act" where it occurs for the first time in the fourth line the words "*The Highway Improvement Act*", so that the said clause shall now read as follows:

Rev. Stat.,
c. 266, s. 44c,
subs. 1,
cl. a
(1943,
c. 16, s. 1),
amended.

- (a) a municipal corporation and council of a township for the purposes and within the meaning of *The Municipal Act, The Assessment Act, The Highway Improvement Act* and every other general Act relating to municipal institutions. Rev. Stat.,
cc. 266;
272; 56.

(2) The said section 44c is further amended by adding thereto the following subsection:

Rev. Stat.,
c. 266, s. 44c
(1943,
c. 16, s. 1),
amended.

- (3) Where an improvement district is situate within a county, it shall pay county rates in the same manner as a township municipality and the chairman of the board of trustees shall be a member of the county council in the same manner as the reeve of a township. Where im-
provement
district is
situate in
a county.

7. Subsection 1 of section 69 of *The Municipal Act* is amended by striking out the comma following the word "second" in the fifth line and by inserting after the word "whom" in the fifth line the words "shall be municipal electors and", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 266, s. 69,
subs. 1,
amended.

Nomination
and pro-
ceedings
incidental
thereto.

- (1) At all nomination meetings, the candidates for each office shall be proposed and seconded *seriatim*, and every nomination shall be in writing, shall state the name, residence and occupation of the candidate, and shall be signed by his proposer and seconder both of whom shall be municipal electors and shall be present, and filed with the returning officer within one hour from the time fixed for holding the meeting.

Rev. Stat.,
c. 266, s. 70,
amended.

8.—(1) Section 70 of *The Municipal Act* is amended by adding thereto the following subsection:

Effect of
filing of
declaration.

- (6a) If one or other of such declarations is filed within the time mentioned in subsection 4 by or on behalf of a person nominated for more than one office, he shall thereupon be deemed to have resigned from all such nominations other than the one for which he qualified.

Rev. Stat.,
c. 266, s. 70,
subs. 9,
amended.

(2) Subsection 9 of the said section 70 is amended by striking out the words "within one week after the day of nomination" in the second line and inserting in lieu thereof the words "which shall be filed within the time mentioned in subsection 4", so that the said subsection shall now read as follows:

Declaration
by person
elected by
acclamation.

- (9) Any person elected by acclamation shall make a declaration of qualification which shall be filed within the time mentioned in subsection 4 and in default he shall be deemed to have resigned.

Rev. Stat.,
c. 266, s. 74,
re-enacted.

9. Section 74 of *The Municipal Act* is repealed and the following substituted therefor:

Nomination
and polling
day in
cities over
100,000.

74. The council of a city having a population of not less than 100,000 may by by-law passed not later in the year than the 15th day of November, provide that the meeting of electors for the nomination of candidates for council and any local board or commission any members of which are to be elected, shall be held on the 21st day of December, except where that day is a Sunday, and in that case on the preceding Friday or Saturday, and that the polling shall take place on the 1st day of January next thereafter except where that day is a Sunday, and in that case on the following day, and the by-law shall remain in force from year to year until repealed.

Rev. Stat.,
c. 266, s. 75,
re-enacted.

10. Section 75 of *The Municipal Act* is repealed and the following substituted therefor:

75. The council of a local municipality may by by-law passed not later in the year than the 1st day of November, provide that the meeting of electors for nomination of candidates for council and any local board or commission any members of which are to be elected, shall be held on the Friday or Saturday preceding the last Monday in November, and that the polling shall take place on the first Monday in December or on the Saturday next following such first Monday, and the by-law shall remain in force from year to year until repealed.

Nomination
and polling
days in
local mun-
icipalities,
early
December.

11. Section 76 of *The Municipal Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 266, s. 76,
re-enacted.

76. The council of a local municipality may by by-law passed not later in the year than the 15th day of November, provide that the meeting of electors for the nomination of candidates for council and any local board or commission any members of which are to be elected, shall be held on the first Friday or Saturday in December and that polling shall take place on the 14th day of December or on the Saturday next following, except where the 14th day of December is a Sunday and in that case on the following Monday, and the by-law shall remain in force from year to year until repealed.

Nomination
and polling
day in
local mun-
icipalities,—
mid-Decem-
ber.

12. Section 77 of *The Municipal Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 266, s. 77,
re-enacted.

77. The council of a local municipality may by by-law passed not later in the year than the 15th day of November, provide that the meeting of electors for the nomination of candidates for council and any local board or commission any members of which are to be elected, shall be held on the 23rd day of December, except where that day is a Sunday and in that case on the preceding Friday or Saturday, and that the polling shall take place on the 1st day of January next thereafter, except where that day is a Sunday, and in that case on the following day, and the by-law shall remain in force from year to year until repealed.

Nomination
and polling
days in
local mun-
icipalities,—
late Decem-
ber.

13. Section 79 of *The Municipal Act* is amended by adding thereto the following subsections:

Rev. Stat.,
c. 266, s. 79,
amended.

(2) The by-law passed under subsection 1 may provide that of the members, other than the mayor, reeve and deputy reeve, elected at the first election held

Staggered
system.

after the coming into force of the by-law, the one-half, or in the case of an uneven number the majority, receiving the highest number of votes shall remain in office for a two-year term and the remainder shall remain in office for a one-year term and at every election thereafter all the members shall be elected for a two-year term.

Local
Boards.

- (3) Where a by-law has been or is passed under subsection 1, the council may provide that every elected member of every local board as defined in *The Department of Municipal Affairs Act* shall, notwithstanding the provisions of any general or special Act, be elected at the same time and hold office for the same term as the members of the council and where the term of office of a member of any such board expires before the next election of members of the council his term of office shall be extended for one year.

Rev. Stat..
c. 59.

Subs. 2 to
apply
*mutatis
mutandis*
to subs. 3.

- (4) Notwithstanding the provisions of any general or special Act, where the power conferred by subsection 3 is exercised, the provisions of subsection 2 shall *mutatis mutandis* apply.

Rev. Stat.,
c. 266, s. 231,
amended.

- 14.** Section 231 of *The Municipal Act* is amended by striking out the words "of a county and of an urban municipality" in the first and second lines, so that the said section shall now read as follows:

Remunera-
tion of
head.

231. The head of the council may be paid such annual or other remuneration as the council may determine.

Rev. Stat.,
c. 266, s. 234,
subss. 1, 2;
s. 238,
amended.

- 15.** Subsections 1 and 2 of section 234 and section 238 of *The Municipal Act* are amended by striking out the word "Every" at the commencement of each of the said subsections and the commencement of the said section and inserting in lieu thereof in each instance the article "The".

Rev. Stat.,
c. 266, s. 240,
subs. 1,
amended.

- 16.** Subsection 1 of section 240 of *The Municipal Act* is amended by adding at the end thereof the words "provided that every cheque issued by the treasurer shall be signed by the treasurer and by some other person designated for the purpose by by-law or resolution of the council and such other person before signing a cheque shall satisfy himself that the issue thereof is authorized", so that the said subsection shall now read as follows:

Treasurer
to receive,
take care
of and
disburse
money, etc.

- (1) The treasurer shall receive, and safely keep, all money of the corporation, and shall pay out the same to such persons and in such manner as the laws of On-

tario and the by-laws or resolutions of the council direct, provided that every cheque issued by the treasurer shall be signed by the treasurer and by some other person designated for the purpose by by-law or resolution of the council and such other person before signing a cheque shall satisfy himself that the issue thereof is authorized.

17. Subsection 1 of section 248 of *The Municipal Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 266, s. 248,
subs. 1,
re-enacted.

(1) The council of every municipality shall by by-law appoint one or more auditors who shall be persons licensed by the Department as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the council and every person so appointed shall in addition to his duties in respect of the corporation audit the accounts and transactions of every local board as defined in *The Department of Municipal Affairs Act*, except separate school boards.

Appoint-
ment of
auditors.

Rev. Stat.,
c. 59.

18. Sections 249 and 250, section 250a as enacted by section 6 of *The Municipal Amendment Act, 1941*, and sections 251 and 253 of *The Municipal Act* are repealed and the following substituted therefor:

Rev. Stat.,
c. 266, s. 249,
re-enacted;
ss. 250, 250a
(1941, c. 35,
s. 6), 251
and 253
repealed

249. The auditors shall perform such duties as are prescribed by the Department.

Duties of
auditors.

19. Section 254 of *The Municipal Act* is amended by striking out the words "a city or town" in the first line and inserting in lieu thereof the words "any municipality", so that the said section shall now read as follows:

Rev. Stat.,
c. 266, s. 254,
amended.

254. The council of any municipality may provide that all accounts shall be audited before payment.

Audit of
accounts
before
payment.

20.—(1) Subsection 1 of section 258 of *The Municipal Act*, as amended by subsection 2 of section 14 of *The Municipal Amendment Act, 1939*, is further amended by striking out all the words after the word "statement" in the third line and inserting in lieu thereof the words "signed by the head of the council and the treasurer of the revenues and expenditures for the current year in the form and manner prescribed by the Department", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 266, s. 258,
subs. 1,
amended.

(1) Except as provided in subsection 5, the council of every town, village and township shall hold a meeting

Publication
of state-
ments of
assets and
liabilities.

on the 15th day of December in each year, and shall immediately thereafter publish a detailed statement signed by the head of the council and the treasurer of the revenues and expenditures for the current year in the form and manner prescribed by the Department.

Rev. Stat.,
c. 266, s. 258,
subs. 2,
repealed.

(2) Subsection 2 of the said section 258 is repealed.

Rev. Stat.,
c. 266, s. 258,
subs. 5,
amended.

(3) Subsection 5 of the said section 258 is amended by striking out the figures "76" and "77" in the second line and inserting in lieu thereof the figures "75" and "76" respectively and by striking out all the words after the figure "1" in the fifth line, so that the said subsection shall now read as follows:

Meeting and
publication
of statement.

(5) The council of every town, village and township in which a by-law passed under section 75 or 76 is in force shall hold a meeting on the 15th day of November in each year and shall immediately thereafter publish the detailed statement provided for by subsection 1.

Rev. Stat.,
c. 266,
s. 265a
(1941,
c. 35, s. 7),
repealed.

21. Section 265a of *The Municipal Act*, as enacted by section 7 of *The Municipal Amendment Act, 1941*, is repealed.

Rev. Stat.,
c. 266, s. 305,
subs. 3,
repealed.

22.—(1) Subsection 3 of section 305 of *The Municipal Act* is repealed.

Rev. Stat.,
c. 266, s. 305,
subs. 4,
re-enacted.

(2) Subsection 4 of the said section 305 is repealed and the following substituted therefor:

Annual
instalments
of principal
and interest.

(4) The instalments of principal shall be of such amounts that, with the interest in respect of the debt, payable annually or semi-annually, the aggregate amount payable for principal and interest in each year shall be for an even \$100, \$500 or \$1000, or multiple thereof and the amounts of such instalments may vary from year to year.

Rev. Stat.,
c. 266, s. 305,
subs. 5,
amended.

(3) Subsection 5 of the said section 305 is amended by striking out the word "equal" in the third line, so that the said subsection shall now read as follows:

Instalments
of principal.

(5) Instead of the principal being made payable as above provided, the by-law may provide that the principal may be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid.

(4) Subsection 14 of the said section 305 is repealed.

Rev. Stat.,
c. 266, s. 305,
subs. 14,
repealed.

(5) Subsection 15 of the said section 305, as enacted by section 2 of *The Municipal Amendment Act, 1939 (No. 2)*, and amended by section 10 of *The Municipal Amendment Act, 1940*, is further amended by striking out the word "may" in the first line and inserting in lieu thereof the word "shall" and by adding thereto the following clause:

Rev. Stat.,
c. 266, s. 305,
subs. 15,
amended.

(f) Where a debenture is redeemed on a date prior to maturity, such redemption shall not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the council to continue to levy and collect such special assessments and instalments thereof.

(6) Clause *f* of subsection 15 of section 305 of *The Municipal Act* as enacted by subsection 5 of this section shall be deemed to have come into force on the 22nd day of September, 1939.

Commence-
ment of cl. *f*,
subs. 15,
s. 305.

23.—(1) Clause *aa* of subsection 3 of section 307 of *The Municipal Act*, as enacted by section 3 of *The Municipal Amendment Act, 1939 (No. 2)*, is amended by inserting after the word "in" in the second line the words "paragraph 41a of section 404 or in", so that the said clause shall now read as follows:

Rev. Stat.,
c. 266, s. 307,
subs. 3,
cl. *aa* (1939,
2nd Sess.,
c. 6, s. 3),
amended.

(*aa*) for borrowing money for any of the purposes mentioned in paragraph 41a of section 404 or in section 404a; or

(2) Clause *h* of subsection 3 of the said section 307 is repealed.

Rev. Stat.,
c. 266, s. 307,
subs. 3, cl. *h*,
repealed.

24. Section 308 of *The Municipal Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 266, s. 308,
re-enacted.

308.—(1) A municipal corporation with the assent of the electors may enter into a contract for the supply of a public utility as defined in *The Public Utilities Act* to the municipal corporation for its use or for resale or to the inhabitants thereof for their use for any period not exceeding ten years and for renewing such contract from time to time for further periods not exceeding ten years at any one time.

Contracts
for supply
of public
utility.

(2) Where a municipal corporation enters into a contract for the supply of a public utility for its use and such use is confined to a particular area of the municipality, the council may levy a special annual rate on

Where
particular
areas only
are bene-
fited.

all the rateable property in such area to defray the cost thereof.

Rev. Stat.,
c. 266, s. 316,
subs. 2,
re-enacted.

25. Subsection 2 of section 316 of *The Municipal Act* is repealed and the following substituted therefor:

Allowances
to be
made in
estimates.

- (2) In preparing the estimates the council shall make due allowance for a surplus of any previous year which will be available during the current year and shall provide for any operating deficit of any previous year and for the cost of collection, abatement of and discount on taxes and uncollectible taxes and may provide for taxes which it is estimated will not be collected during the year.

Rev. Stat.,
c. 266,
s. 316a,
subs. 1
(1943,
c. 16, s. 6),
amended.

26. Subsection 1 of section 316a of *The Municipal Act*, as enacted by section 6 of *The Municipal Amendment Act, 1943*, is amended by striking out the words "The council of every municipality" at the commencement and inserting in lieu thereof the words "Every municipality as defined in *The Department of Municipal Affairs Act*", and by adding at the end thereof the words "provided that where the approval of the council is required by law for a capital expenditure or the issue of debentures of a local board, the approval of the council of a provision in the estimates of such local board for a reserve fund shall be obtained", so that the said subsection shall now read as follows:

Reserve
funds.

- (1) Every municipality as defined in *The Department of Municipal Affairs Act* may in each year for the duration of the present war and with the approval of the Department provide in the estimates for the establishment or maintenance of a reserve fund for use after the war in providing necessary replacements of or improvements in public works, provided that where the approval of the council is required by law for a capital expenditure or the issue of debentures of a local board, the approval of the council of a provision in the estimates of such local board for a reserve fund shall be obtained.

Proviso.

Rev. Stat.,
c. 266,
amended.

27. *The Municipal Act* is amended by adding thereto the following section:

Replace-
ment of lost
debentures.

- 336a. Where a debenture is defaced, lost or destroyed, the council may by by-law provide for the replacing of the same on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide.

Rev. Stat.,
c. 266, s. 339,
subs. 4,
re-enacted.

28. Subsection 4 of section 339 of *The Municipal Act* is repealed and the following substituted therefor:

- (4) For the purposes of subsections 2 and 3, estimated revenues shall not include revenues derivable or derived from the sale of assets, borrowings or issues of debentures or from a surplus including arrears of taxes and proceeds from the sale of assets. Exclusion from estimated revenues.

29. Section 340 of *The Municipal Act* is repealed and the following substituted therefor: Rev. Stat., c. 266, s. 340, re-enacted.

340. Where by this or any other Act power is conferred on a corporation to borrow money, it shall include, pending the issue and sale of the debentures, the power to agree with a bank or person for temporary advances from time to time to meet expenditures incurred. Temporary advances.

30.—(1) Subsection 1 of section 364 of *The Municipal Act*, as re-enacted by section 4 of *The Municipal Amendment Act, 1938 (No. 2)*, and amended by section 7 of *The Municipal Amendment Act, 1943*, is further amended by inserting after the word “any” in the second line the words “village or”, so that the said subsection shall now read as follows: Rev. Stat., c. 266, s. 364, (1938, c. 23, s. 4), amended.

- (1) Notwithstanding the provisions of any special Act, every city shall, and any village or township having a population in excess of 5,000 according to the last revised assessment roll and every county and town may, by by-law, constitute a board of commissioners of police. Constitution of board of commissioners of police.

(2) Subsection 6 of the said section 364 as re-enacted by section 4 of *The Municipal Amendment Act, 1938 (No. 2)*, is amended by inserting after the article “a” in the first line the word “village”, so that the said subsection shall now read as follows: Rev. Stat., c. 266, s. 364, subs. 6, amended.

- (6) The by-law of a village, township, county or town passed pursuant to subsection 1 may, with the consent of the Attorney-General thereto, be repealed, and if so repealed the board shall be dissolved on the 1st day of January next after the passing of the repealing by-law. Repeal of by-law.

31. Section 370 of *The Municipal Act*, as amended by section 20 of *The Municipal Amendment Act, 1939*, is further amended by striking out the words “cities, and in townships, counties and towns” in the first and second lines and inserting in lieu thereof the words “a municipality”, so that the said section shall now read as follows: Rev. Stat., c. 266, s. 370, amended.

370. The police force in a municipality having a board of commissioners of police, shall consist of a chief Police force, where board constituted.

constable and as many constables and other officers and assistants as the council may deem necessary, but, in cities, not less than the board reports to be absolutely required.

Rev. Stat.,
c. 266, s. 376,
amended.

32. Section 376 of *The Municipal Act* is amended by inserting after the word "village" in the second line the words "not having a board", so that the said section shall now read as follows:

Towns and
villages,—
where no
board.

376. The council of every town not having a board shall, and the council of every village not having a board may, appoint one chief constable and one or more constables.

Rev. Stat.,
c. 266, s. 378,
subs. 2,
amended.

33. Subsection 2 of section 378 of *The Municipal Act* is amended by striking out the words "city or town" in the second line and inserting in lieu thereof the word "municipality", so that the said section shall now read as follows:

Exception.

(2) The provisions of subsection 1 as to suspension shall not apply to a member of the police force of a municipality which has a board of commissioners of police.

Rev. Stat.,
c. 266, s. 382,
re-enacted.

34. Section 382 of *The Municipal Act*, as amended by section 6 of *The Municipal Amendment Act, 1938 (No. 2)*, is repealed and the following substituted therefor:

Power of
suspension.

382.—(1) Where there is no board of commissioners of police, the head of the municipality or a magistrate may suspend any police officer from office for any period and may appoint another person to such office during such period, and if he considers the suspended officer deserving of dismissal, he shall immediately after suspending him so report to the council and the council may dismiss such officer or may direct that he be restored to his office after the period of suspension has expired.

Exception.

(2) Except with the written permission of the head of the municipality or the magistrate who suspended him, an officer, during suspension, shall not act as such or be entitled to any salary or other remuneration.

Rev. Stat.,
c. 266, s. 404,
para. 7,
amended.

35.—(1) Paragraph 7 of section 404 of *The Municipal Act* is amended by adding thereto the following clause:

(a) Before passing a by-law under this paragraph the council may direct that an engineer's report, with

or without a survey, be prepared and the cost thereof may be levied against all the rateable property in the municipality or in a defined area thereof which in the opinion of council derives special benefit therefrom.

(2) Paragraph 28 of the said section 404 is amended by inserting after the word "hospitals" in the third line the words "or public sanatoria", so that the said paragraph shall now read as follows:

Rev. Stat.,
c. 266, s. 404,
para. 28,
amended.

28. For granting aid to any incorporated society or any association of individuals for the erection, establishment, maintenance or equipment of public hospitals or public sanatoria in any municipality for the treatment of persons suffering from disease or from injuries.

Aiding
erection,
etc., of
hospitals and
sanatoria.

(3) Paragraphs 30, 36, 37, 38 and 39 of the said section 404 are repealed and the following substituted therefor:

Rev. Stat.,
c. 266, s. 404,
paras. 30,
36, 37, 38
and 39, re-
enacted.

30. Subject to the approval of the Department, for erecting and maintaining or for granting aid for the erection and maintenance of monuments, memorial windows, tablets, buildings or parks, in commemoration of the persons or any class thereof who served in the armed forces of His Majesty or His Majesty's allies during any war.

War
memorials,
etc.

(a) The corporation may borrow money for the purposes of this paragraph by the issue of debentures payable in not more than ten years from the date of issue and may levy a special rate in each year on all the rateable property in the municipality sufficient to pay the instalments of principal and the interest falling due in respect of the debentures.

(b) Any such monument may with the approval of the Municipal Board, on application by the corporation, be erected in any highway not less than sixty-six feet in width and over which the corporation has jurisdiction.

(c) Any such building may be established and equipped as a home or club-house for such persons or any class thereof or may be used for such purposes as the council may deem proper.

- (d) The councils of two or more municipalities may enter into an agreement for carrying out any of the purposes of this paragraph in any one of such municipalities.

Aid to
widows, etc.

31. Subject to the approval of the Department for granting aid to any fund established for the purpose of providing allowances or other assistance to the dependents of persons who died while serving in the armed forces of His Majesty or His Majesty's allies during any war and who immediately before entering such service resided in the municipality for at least six months.

Grants to
members of
armed
forces.

32. Subject to the approval of the Department, for making grants to persons who served in the armed forces of His Majesty or His Majesty's allies during any war.

Exemption
from
taxation.

33. Subject to the approval of the Department, for exempting from taxation, except for local improvement and school purposes, for a period not exceeding ten years, any premises actually used and occupied as a memorial home, club-house or athletic grounds by persons who served in the armed forces of His Majesty or His Majesty's allies in any war.

Rev. Stat.,
c. 266, s. 404,
para. 31,
amended.

- (4) Paragraph 31 of the said section 404 is renumbered as paragraph 34.

Rev. Stat.,
c. 266,
s. 404,
para. 41a
(1939,
c. 30, s. 23,
subs. 2),
re-enacted.

- (5) Paragraph 41a of the said section 404 as enacted by subsection 2 of section 23 of *The Municipal Amendment Act, 1939*, other than the clauses, is repealed and the following substituted therefor:

Pensions.

R S.C., c. 7.

- 41a. For providing, by arrangement either with His Majesty pursuant to the *Government Annuities Act* (Canada) or with an insurer licensed under *The Insurance Act* or with both His Majesty and an insurer as aforesaid, pensions for employees or any class thereof and their wives and children.

Rev. Stat.,
c. 266,
s. 404,
para. 41a,
cl. a,
subcl. i
(1939,
c. 30, s. 23,
subs. 2),
amended.

- (6) Subclause i of clause a of paragraph 41a of the said section 404 is amended by inserting after the word "mean" in the first line the words "any person designated as an employee by the Department and shall include", and by striking out the words "full-time" in the third line, so that the said subclause shall now read as follows:

- (i) "Employee" shall mean any person designated as an "Employee". employee by the Department and shall include any ~~salari-~~ed officer, clerk, workman, servant or other person in the employ of the municipality or of a local board, except school teachers and inspectors to whom *The Teachers' and Inspectors' Superannuation Act* is applicable, and except employees to whom *The Power Commission Insurance Act* is applicable. Rev. Stat.,
cc. 366, 62.

(7) Clause *b* of paragraph 41*a* of the said section 404 as amended by subsection 2 of section 10 of *The Municipal Amendment Act, 1941*, is further amended by inserting after the word "be" in the fourth line the words "amended or", so that the said clause shall now read as follows: Rev. Stat.,
c. 266, s. 404,
para. 41*a*,
cl. *b* (1939,
c. 30, s. 23,
subs. 2),
amended.

- (b) No by-law passed under this paragraph shall become operative until approved by the Department, nor shall any by-law passed under this paragraph and approved by the Department be amended or repealed without the approval of the Department. Approval
by Depart-
ment.

(8) Clause *c* of paragraph 41*a* of the said section 404 is amended by inserting after the word "contributions" in the first line the words "other than the initial payments or contributions", so that the said clause shall now read as follows: Rev. Stat.,
c. 266, s. 404,
para. 41*a*,
cl. *c* (1939,
c. 30, s. 23,
subs. 2),
amended.

- (c) Payments or contributions, other than the initial payments or contributions, made by a municipality under this paragraph shall be deemed to be current expenditures. Contribu-
tions to be
deemed
current ex-
penditures.

(9) Subsections 4 to 7 of this section and subsection 2 of section 10 of *The Municipal Amendment Act, 1941*, shall be deemed to have come into force on the 26th day of June, 1939. Commence-
ment of
subss. 4 to
7,—retro-
active
effect.

(10) Paragraph 46 of the said section 404 is amended by adding thereto the following clauses: Rev. Stat.,
c. 266, s. 404,
para. 46,
amended.

- (b) Where land is acquired under this paragraph, the cost of acquisition and maintenance thereof or any part thereof may be levied against a defined area in the municipality which in the opinion of the council derives special benefit therefrom.

- (c) Where land is acquired under this paragraph for park purposes and there is no board of park management the council may appoint three resident rate-payers who need not be members of the council as a committee to regulate and supervise the use of the park.

Rev. Stat.,
c. 266, s. 404,
amended.

(11) The said section 404 is further amended by adding thereto the following paragraph:

Municipal
parking
lots.

46a. For acquiring, establishing, laying out and improving land where vehicles may be parked and for regulating, supervising and governing the parking of vehicles thereon provided a fee is charged and collected for such parking.

Rev. Stat.,
c. 266,
s. 404a, cl. b
(1939,
2nd Sess.,
c. 6, s. 6),
re-enacted.

36.—(1) Clause *b* of section 404a of *The Municipal Act*, as enacted by section 6 of *The Municipal Amendment Act*, 1939, (No. 2), is repealed and the following substituted therefor:

Civic em-
ployees on
war leave,—
payment of
bonuses, etc.

(b) by all municipalities as defined in *The Department of Municipal Affairs Act* for providing for the payment of bonuses to and the superannuation, pension or benefit fund contributions of members of the forces or the Corps of (Civilian) Canadian Fire Fighters for Service in the United Kingdom, who at the time of joining such forces or Corps were employees of the corporation or a local board as defined in *The Department of Municipal Affairs Act*, provided that, notwithstanding anything in this or any other general or special Act, no payments shall be made to such members except under this section.

Rev. Stat.,
c. 59.

(i) in this clause "members of the forces" shall mean,—

(a) persons who, having voluntarily offered themselves for appointment to or enlistment in any of His Majesty's naval, military or air forces, have been appointed to or enlisted in such forces and have been placed on active service therein;

1940, c. 13,
(Canada).

(b) persons who, having been called up pursuant to *The National Resources Mobilization Act*, 1940, (Canada) and the regulations thereunder, for training, service or duty in any of His Majesty's naval, military or air forces raised in Canada, have volunteered to serve on active service therein and have in consequence thereof been placed on active service; and

(c) persons mentioned in subclause *a* or *b* who having been discharged from the

forces, are receiving treatment under the Department of Pensions and National Health (Canada) or are in receipt of assistance or benefit under any rehabilitation organization, agency or scheme designated by the Lieutenant-Governor in Council.

(2) Subsection 1 shall be deemed to have come into force on the 22nd day of September, 1939.

Commencement of section,—retroactive effect.

(3) Subclause iv of clause c of section 404a of *The Municipal Act*, as amended by subsection 2 of section 9 of *The Municipal Amendment Act, 1943*, is repealed.

Rev. Stat., c. 266, s. 404a, cl. c, subcl. iv (1943, c. 16, s. 9, subs. 2), repealed.

37.—(1) Paragraph 53 of section 405 of *The Municipal Act*, as amended by subsection 2 of section 10 of *The Municipal Amendment Act, 1943*, is further amended by striking out all the words after the word "paid" in the fifth line, so that the said paragraph, exclusive of the clauses, shall now read as follows:

Rev. Stat., c. 266, s. 405, para. 53, amended.

53. For charging all persons who own or occupy land drained, or which by by-law of the council is required to be drained, into a common sewer, a reasonable rent for the use of it and for the collection, treatment and disposal of sewage and other wastes; for regulating the time and manner in which the rent is to be paid.

Sewer rents.

(2) Clause a of paragraph 53 of the said section 405 is repealed and the following substituted therefor:

Rev. Stat., c. 266, s. 405, para. 53, cl. a, re-enacted.

(a) No person shall pay rent under this paragraph in respect of land on which local improvement rates for the sewer have been or are being levied.

(3) The said section 405 is further amended by adding thereto the following paragraphs:

Rev. Stat., c. 266, s. 405, amended.

68. Subject to the provisions of *The Municipal Franchises Act*, for entering into an agreement with any person for a period not exceeding ten years for granting to such person the exclusive right to maintain and operate busses for the conveyance of passengers in a defined area of the municipality, over such highways in the area and at such rates for fares and charges and on such other terms and conditions as may be thought proper.

Bus franchises.

Rev. Stat., c. 277.

- (a) The agreement shall provide that any deficit in operation shall be met by a special rate levied on all the rateable property in the defined area.
- (b) The defined area shall not include any part of the municipality covered by an agreement to which the corporation is a party respecting the furnishing of transportation facilities for passengers.
- (c) The agreement shall not affect a permit granted under *The Public Vehicle Act*.
- (d) The rates for fares and charges may from time to time, but only once in any year, be increased or decreased by the Municipal Board on the application of the corporation in consequence of a deficit or surplus in the operation of the service.

Rev. Stat.,
c. 289.

Fox
bounties.

69. For giving from the 1st day of April to the 31st day of October bounties for the destruction of foxes.

Right to
enter
adjoining
lands.

70. For permitting an owner or occupant of any building or the agent or employee of such owner or occupant to enter upon any adjoining land for the purpose of making repairs, alterations or improvements to such building but only to the extent necessary to effect such repairs, alterations or improvements, and every such by-law shall provide that the adjoining land shall be left in the same condition it was in prior to such entry.

Rev. Stat.,
c. 266, s. 407,
amended.

38. Section 407 of *The Municipal Act* is amended by adding thereto the following paragraph:

Window
cleaners.

52. For requiring the installation and maintenance of safety devices for window cleaners, for inspecting such devices and for prohibiting any person from cleaning the outside of windows of buildings on which such devices are installed unless such devices are used.

Rev. Stat.,
c. 266, s. 414,
para. 4, cl. a,
amended.

39. Clause *a* of paragraph 4 of section 414 of *The Municipal Act* is amended by striking out the words "a 'standard hotel, within the meaning of *The Liquor Control Act*' at the end thereof and inserting in lieu thereof the words "an hotel within the meaning of *The Hotel Registration of Guests Act, 1944*", so that the said clause shall now read as follows:

- (a) For the purpose of this subsection a "lodging-house" shall mean any house or building or portion thereof in which persons are harboured or received or lodged for hire for a single night or for less than a week at one time, or any part of which is let for any person to sleep in for any time less than a week, but shall not include an hotel within the meaning of *The Hotel Registration of Guests Act, 1944*.

Meaning of "lodging-house".

40. *The Municipal Act* is amended by adding thereto the following section:

Rev. Stat., c. 266, amended.

- 422a. By-laws may be passed by the councils of cities having a population of not less than 300,000:

Power to make payments on behalf of indigents for dwelling repairs.

1. For providing and paying on behalf of any indigent inhabitant the cost not exceeding \$200 of repairs necessary to make a dwelling habitable.

41. Section 424 of *The Municipal Act* is repealed.

Rev. Stat., c. 266, s. 424, repealed.

42. Section 430 of *The Municipal Act* is amended by striking out the word "junk" wherever it occurs in the said section and inserting in lieu thereof in each instance the word "salvage".

Rev. Stat., c. 266, s. 430, amended.

43. Section 439 of *The Municipal Act* is amended by adding thereto the following paragraph:

Rev. Stat., c. 266, s. 439, amended.

- 3a. For licensing, regulating and governing drain contractors and drain layers.

Drain contractors.

44. Subsection 2 of section 444 of *The Municipal Act* is amended by striking out the words "an urban" in the second line and inserting in lieu thereof the article "the", so that the said subsection shall now read as follows:

Rev. Stat., c. 266, s. 444, subs. 2, amended.

- (2) Where under the provisions of section 231 the head of the municipality is paid an annual or other remuneration, such head shall not be entitled to payment under this section for attendance at meetings.

Where head receives salary.

45. Section 445 of *The Municipal Act* is repealed and the following substituted therefor:

Rev. Stat., c. 266, s. 445, re-enacted.

- 445.—(1) The council of a municipality may pass by-laws for paying an annual allowance to the members of the council at the following rates in the case of,—

Annual remuneration.

- (a) a city having a population of not less than 200,000, an annual allowance not exceeding \$1200 to aldermen and an additional allowance not exceeding \$100 to each chairman of a standing committee and to the chairman of the court of revision and the local board of health;
- (b) a city having a population of not less than 100,000, an annual allowance not exceeding \$500 to aldermen and an additional allowance not exceeding \$100 to each chairman of a standing committee and to the chairman of the court of revision and the local board of health;
- (c) any other municipality, such annual allowance as may be approved by the Department.

Deduction
for ab-
sences.

- (2) Every by-law passed under subsection 1 shall provide for the deduction from the annual allowance of a reasonable sum to be fixed by the council for each day's absence from meetings.

Rev. Stat.,
c. 266, s. 446,
re-enacted.

46. Section 446 of *The Municipal Act* is repealed and the following substituted therefor:

Annual
allowances
for local
board.

446. A local board as defined in *The Department of Municipal Affairs Act*, excepting school and library boards, may provide for the payment of such annual allowance for the members thereof as may be approved by the Department.

Rev. Stat.,
c. 59.

47. Section 525 of *The Municipal Act* is amended by inserting after the word "of" in the last line the words "a ratepayer or", so that the said section shall now read as follows:

Power to
restrain
by action.

525. Where a building is erected or used or land is used in contravention of a by-law passed under the authority of this Act, in addition to any other remedy provided by this Act, and to any penalty imposed by the by-law, such contravention may be restrained by action at the instance of a ratepayer or the corporation.

Rev. Stat.,
c. 266, s. 560,
amended.

48. Section 560 of *The Municipal Act* is amended by striking out the words "Municipal Board" in the second line and inserting in lieu thereof the word "Department".

Commence-
ment of Act.

49. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

50. This Act may be cited as *The Municipal Amendment Act, 1944*.

1st Reading

March 29th, 1944

2nd Reading

March 30th, 1944

3rd Reading

April 5th, 1944

MR. DUNBAR

No. 76

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Assessment Act.

MR. DUNBAR

TORONTO
PRINTED BY T. E. BOWMAN
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BILL

An Act to amend The Assessment Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 272, s. 1,
amended.

1. Section 1 of *The Assessment Act* is amended by designating clause *a* as clause *aa* and by adding thereto the following clauses:

"Collector";

(a) "Collector" shall mean a collector appointed under *The Municipal Act* and where no such appointment is made, shall mean the treasurer;

"Department";

(ee) "Department" shall mean Department of Municipal Affairs;

"Minister".

(kk) "Minister" shall mean Minister of Municipal Affairs.

Rev. Stat.,
c. 272, s. 4,
para. 8,
amended.

2. Paragraph 8 of section 4 of *The Assessment Act* is amended by adding at the end thereof the words "nor when used for parking vehicles where a fee is charged for such parking", so that the said paragraph shall now read as follows:

Municipal
property.

8. Except as provided in sections 46 and 47, the property belonging to or leased by any county or municipality or vested in or controlled by any public commission wherever situate and whether occupied for the purposes thereof or unoccupied; but not when occupied by a tenant or lessee nor when used for parking vehicles where a fee is charged for such parking.

Rev. Stat.,
c. 272, s. 8,
subs. 1,
cl. *m*,
amended.

3.—(1) Clause *m* of subsection 1 of section 8 of *The Assessment Act* is amended by striking out the word "ten" in the second line and inserting in lieu thereof the words "twenty-five", so that the said clause, exclusive of the subclause, shall now read as follows:

EXPLANATORY NOTES

SECTION 1. The Department of Municipal Affairs and the Minister of Municipal Affairs are defined as "Department" and "Minister" in order to avoid the necessity of setting the names out in full when they are used in the body of the Act.

"Collector" is defined because in many municipalities the treasurer functions as collector as well as treasurer.

SECTION 2. This amendment is complementary to a proposed amendment to *The Municipal Act* which will enable municipalities to acquire land for parking purposes and to charge a fee for parking. It is considered that the land should not be exempt from taxation.

SECTION 3—Subsection 1. Self-explanatory.

- (m) Every person carrying on the business of a supervised car park for a sum equal to twenty-five per centum of the assessed value.

Rev. Stat.,
c. 272, s. 8,
subs. 6,
amended.

- (2) Subsection 6 of the said section 8 of *The Assessment Act* is amended by striking out the symbol and figures "\$250" in the third line and inserting in lieu thereof the symbol and figures "\$100", so that the said subsection shall now read as follows:

Minimum
assessment.

- (6) Where the amount of the assessment of any person assessable under this section would under the foregoing provisions be less than \$100, he shall be assessed for the sum of \$100.

Rev. Stat.,
c. 272, s. 42,
subs. 1,
re-enacted.

4. Subsection 1 of section 42 of *The Assessment Act* is repealed and the following substituted therefor:

Exemption
of farm
lands from
taxation
for certain
expendi-
tures.

- (1) In any city, town, village or township where lands, held and used as farm lands only and in blocks of not less than five acres by any one person, are not benefited to as great an extent by the expenditure of moneys for and on account of public improvements of the character hereinafter mentioned in the municipality as other lands therein generally, the council of the municipality shall annually, at least two months before striking the rate of taxation for the year, pass a by-law declaring what part, if any, of such lands shall be exempt or partly exempt from taxation for the expenditures of the municipality incurred for waterworks, fire protection, garbage collection, sidewalks, pavements or sewers or the lighting, oiling, tarring, treating for dust or watering of the streets, regard being had in determining such exemption to any advantage, direct or indirect, to such lands arising from such expenditures or any of them.

Rev. Stat.,
c. 272, s. 44,
subs. 1,
amended.

- 5.—(1) Subsection 1 of section 44 of *The Assessment Act* is amended by striking out the words "tramways, street railways and electric railways" in the fifth line and inserting in lieu thereof the words "transportation system", so that the said subsection shall now read as follows:

Assessment
of lands of
water, heat,
light, power,
and trans-
portation
companies.

- (1) The property, by paragraph 5 of clause *i* of section 1, declared to be "land" which is owned by companies or persons supplying water, heat, light and power to municipalities and the inhabitants thereof, and companies and persons operating transportation systems, and companies or persons transmitting oil or gas by pipe line, shall, in a municipality divided into wards,

Subsection 2. Self-explanatory.

SECTION 4. At present, subsection 1 of section 42 of *The Assessment Act* applies to towns and villages. As re-enacted it will apply to towns, villages, townships and cities and to five acre parcels rather than ten.

At present, the exemption allowable must be in respect of the expenditure of the municipality incurred for waterworks, whether for domestic use or for fire protection or both, the making of sidewalks, the construction of pavements and sewers on the highway, oiling, tarring, treating for dust and watering of the streets. As re-enacted the expenditure may be for waterworks, fire protection, garbage collection, sidewalks, pavements or sewers or the lighting, etc., of streets.

SECTION 5. The deletion of the specific words "tramways, street railways and electric railways" and the substitution of the general words "transportation system" widens the scope of the provision to include busses, trolley busses, etc.

be assessed in the ward in which the head office of such company or person is situate, if such head office is situated in such municipality, but if the head office of such company or person is not in such municipality, then the assessment may be in any ward thereof.

Rev. Stat.,
c. 272, s. 44,
subs. 4,
amended.

(2) Subsection 4 of the said section 44 is amended by striking out the words "an electric railway" in the third and fourth lines and inserting in lieu thereof the words "a transportation system", so that the said subsection shall now read as follows:

Assessment
of struc-
tures, rails,
etc., of
pransporta-
tion system.

(4) Notwithstanding anything contained in this section or any other section of this Act, the structures, sub-structures, superstructures, rails, ties, poles and wires of such a transportation system shall be liable to assessment and taxation in the same manner and to the same extent as those of a steam railway are under the provisions of section 50 and not otherwise.

Rev. Stat.,
c. 272, s. 46,
subs. 1,
amended.

6.—(1) Subsection 1 of section 46 of *The Assessment Act* is amended by striking out the words "railway, electric railway, street railway or tramway" in the fifth and sixth lines, and inserting in lieu thereof the words "transportation system", so that the said subsection shall now read as follows:

Assessment
of land
used by
municipal
public
ntilities.

(1) Land owned or leased by or vested in a municipal corporation or commission or in trustees or any other body acting for and on behalf of a municipal corporation and used for the purpose of supplying water, light, heat or power to the inhabitants of the municipality, or for the purposes of a transportation system or telephone system shall be liable to assessment and taxation for municipal and school purposes in the municipality in which it is situate at its actual value, according to the average value of land in the locality.

Rev. Stat.,
c. 272, s. 46,
subs. 3,
amended.

(2) Subsection 3 of the said section 46 is amended by striking out the words "an electric railway" in the third and fourth lines and inserting in lieu thereof the words "transportation system", so that the said subsection shall now read as follows:

Taxation of
restaurants,
etc., of
municipal
transporta-
tion system.

(3) Notwithstanding anything contained in this section or in paragraph 8 of section 4, any restaurants, merry-go-rounds and switchback railways carried on in connection with a transportation system owned, leased or operated by or for a municipal corporation or vested in or controlled by a commission on behalf of a municipal corporation, shall be assessable.

SECTION 6. See note to section 5.

Rev. Stat.,
c. 272, s. 57a
(1942,
c. 34, s. 3,
subs. 3),
amended.

7. Section 57a of *The Assessment Act*, as re-enacted by subsection 3 of section 3 of *The Statute Law Amendment Act, 1942*, and amended by section 2 of *The Assessment Amendment Act, 1943*, is further amended by adding thereto the following subsection:

Distribu-
tion.

- (5) Where taxes are levied under this section, the amount thereof shall be distributed among the bodies for which the council levies rates in the same proportion as the levy of each of such bodies bears to the total levy and in making such distribution each of such bodies shall suffer proportionately for any deficiency caused by the abatement of or inability to collect such taxes.

Rev. Stat.,
c. 272, s. 89,
repealed.

8. Section 89 of *The Assessment Act* is repealed.

Rev. Stat.,
c. 272, s. 89a,
subs. 1
(1940,
c. 1, s. 5),
amended.

9.—(1) Subsection 1 of section 89a of *The Assessment Act*, as enacted by section 5 of *The Assessment Amendment Act, 1940*, is amended by striking out all the words after the word "rolls" in the fifth line and inserting in lieu thereof the words "in the municipalities in the county and for the purpose of ascertaining whether the valuations of real property made by the assessors in each such municipality bear a just relation one to another, shall supervise and advise the assessors and shall report thereon to the county council before the 1st day of June in every year and such report shall form the basis for equalization under section 90", so that the said subsection shall now read as follows:

County
assessor.

- (1) Subject to the approval of the Department of Municipal Affairs, the council of every county may appoint a county assessor who, for the purpose of making uniform the methods of preparation of the assessment rolls in the municipalities in the county and for the purpose of ascertaining whether the valuations of real property made by the assessors in each such municipality bear a just relation one to another, shall supervise and advise the assessors and shall report thereon to the county council before the 1st day of June in every year and such report shall form the basis for equalization under section 90.

Rev. Stat.,
c. 272, s. 89a
(1940,
c. 1, s. 5),
amended.

(2) The said section 89a is further amended by adding thereto the following subsection:

Depart-
mental
rules.

- (1a) The Minister may, subject to the approval, of the Lieutenant-Governor in Council, by regulation prescribe rules for the guidance of county assessors and every county assessor shall conduct himself in accordance therewith.

SECTION 7. Self-explanatory. It provides for the distribution of taxes collected where the assessment has been added to the roll after the return of the roll.

SECTION 8. Section 89 of *The Assessment Act*, which provides for the appointment of county valuers and sets out their duties, has now been superseded by section 89a, which provides for the appointment of a county assessor and sets out his duties. It is therefore repealed.

SECTION 9—Subsection 1. The amendments are designed to ensure that equalization will be confined to real property valuations and that the report of the county assessor to his council shall form the basis for equalization.

Subsection 2. Subsection 1a of section 89a is new. It is self-explanatory.



Rev. Stat.,
c. 272, s. 90,
subs. 1,
amended.

10. Subsection 1 of section 90 of *The Assessment Act* is amended by inserting after the word "valuations" in the fifth line the words "of real property", so that the said subsection shall now read as follows:

Annual ex-
amination
of assess-
ment rolls
by county
councils
for purpose
of equaliza-
tion.

- (1) The council of every county shall, yearly, and not later than the 1st day of July, examine the assessment rolls of the different townships, towns and villages in the county, for the preceding financial year, for the purpose of ascertaining whether the valuations of real property made by the assessors in each township, town or village bear a just relation one to another, and may, by by-law for the purpose of county rates, increase or decrease in any township, town or village, the aggregate valuations, adding or deducting so much per centum as may, in their opinion, be necessary to produce a just relation between them; but they shall not reduce the aggregate valuation for the whole county as made by the assessors.

Rev. Stat.,
c. 272, s. 91,
para. 4,
amended.

11.—(1) Paragraph 4 of section 91 of *The Assessment Act* is amended by striking out the words "whole assessment of" in the eleventh line and inserting in lieu thereof the words "valuations of real property made by the assessors in each municipality in", so that the said paragraph shall now read as follows:

Appoint-
ment of
court by
Order-in-
Council.

4. The Lieutenant-Governor in Council, upon receiving the notice in writing from the clerk of any county council may appoint three persons who shall form a court, and the said court shall at such time and place as the Lieutenant-Governor in Council may appoint, proceed to hear and determine the appeal either with or without the evidence of witnesses or with such evidence as they may decide upon hearing, and may examine witnesses under oath or otherwise, and may adjourn from time to time, and the court shall equalize the valuations of real property made by the assessors in each municipality in the county and shall forthwith report the same to the county council.

Rev. Stat.,
c. 272, s. 91,
para. 8,
amended.

(2) Paragraph 8 of the said section 91 is amended by striking out the words "whole assessment of" in the eleventh line and inserting in lieu thereof the words "valuations of real property made by the assessors in each municipality in", so that the said paragraph shall now read as follows:

Equaliza-
tion by
county
judge.

8. Where all the parties to the appeal have agreed, as above provided, to have the final equalization of the assessment made by the county judge, the clerk of

SECTION 10. The amendment is designed to ensure that only the valuations of real property shall be equalized.

SECTION 11—Subsection 1. See note to section 10.

Subsection 2. See note to section 10.

the county council shall forthwith notify in writing the county judge, and the county judge shall appoint a day for hearing the appeal, not later than ten days from the receipt of such notice of the appeal, and may on such day proceed to hear and determine the appeal, either with or without evidence of witnesses, or with such evidence as he may decide upon hearing, and may examine witnesses under oath or otherwise, and may adjourn from time to time, and the judge shall equalize the valuations of real property made by the assessors in each municipality in the county, and shall forthwith report the same to the county council.

Rev. Stat.,
c. 272, s. 91,
para. 10,
amended.

(3) Paragraph 10 of the said section 91 is amended by striking out the words "county valuator have" in the first and second lines and inserting in lieu thereof the words "a county assessor has", and by striking out the word "valuators" in the third line and inserting in lieu thereof the word "assessor", so that the said paragraph shall now read as follows:

Appeal in
cases of
equaliza-
tion of
assessment.

10. The right of appeal shall exist whether a county assessor has been appointed or not, and upon any such appeal the report of the county assessor shall be open to review by the court or judge as herein provided.

Rev. Stat.,
c. 272, s. 93,
amended.

12. Section 93 of *The Assessment Act* is amended by striking out the words "property equalized" in the fifth line and inserting in lieu thereof the words "real property as equalized and business assessments", so that the said section shall now read as follows:

Apportion-
ment of
county rates,
how to be
based.

93. The council of a county, in apportioning a county rate among the different townships, towns and villages within the county, shall, in order that the same may be assessed equally on the whole rateable property of the county, make the assessment of real property as equalized and business assessments in the preceding year the basis upon which the apportionment is made.

Rev. Stat.,
c. 272, s. 94,
amended.

13. Section 94 of *The Assessment Act* is amended by striking out the words "or valuator's" in the third line.

Rev. Stat.,
c. 272, s. 98,
subs. 1,
amended.

14. Subsection 1 of section 98 of *The Assessment Act* is amended by striking out the word "equalized" in the ninth line, and by inserting after the word "property" in the tenth line the words "as equalized", so that the said subsection shall now read as follows:

Subsection 3. Complementary to the adoption of section 89a and the repeal of section 89 of *The Assessment Act*.

SECTION 12. See note to section 14.

SECTION 13. As there are no longer valuator's rolls the words "or valuator's" are deleted from section 94:

SECTION 14. Doubt exists as to whether the word "equalized" applies to business assessments as well as to assessments of real property or only to assessments of real property. As it is not practical to equalize business assessments the word "equalized" is restricted in its application by this amendment to real property.

County not
to include
income
assessment
in equaliza-
tion.

- (1) Notwithstanding anything in this Act or any other special or general Act contained, income assessments of a local municipality forming part of a county shall not be included in any statement given to the county clerk, nor shall they be included in, but shall be excluded from, any valuation and equalization by a county council of rateable property in the county for any county purpose, and the ascertainment, imposition or levy by a county council of any rate for county purposes shall be made and raised upon and from the assessment of real property as equalized and business assessments only in the county.

Rev. Stat.,
c. 272, s. 125,
re-enacted.

15.—(1) Section 125 of *The Assessment Act* is repealed and the following substituted therefor:

Abatement
or refund.

125.—(1) An application to the court of revision for the abatement or refund of taxes levied in the year in respect of which the application is made may be made by any person,—

- (a) in respect of land which was vacant three months or more in the year; or
- (b) in respect of a building which was razed by fire, demolition or otherwise in the year for the proportionate part of the taxes levied on the building assessment for the part of the year remaining after the building was razed; or
- (c) who is unable to pay taxes because of sickness or extreme poverty; or
- (d) who is overcharged by reason of any gross or manifest error; or
- (e) liable for business tax, who has not carried on such business for the whole year;

and the court of revision may reject the application or cancel or reduce the taxes or order a refund of the taxes or any part thereof.

Time for
making ap-
plication.

- (2) The application may be made at any time during the year and until the 31st day of March in the following year and notice in writing of the application shall be given to the clerk of the municipality.

Appeal.

- (3) An appeal may be had to the county judge by the applicant or the municipality from the decision of

SECTION 15. The present section 125 of *The Assessment Act*, which deals with the abatement of taxes, has proved most difficult from both the administrative and the legal points of view.

It is hoped that the section as re-enacted will be more equitable in principle, that the meaning will be clearer and its procedures simplified. It will apply in the year in which the taxes are levied rather than in the year in which the assessment is made.

the court of revision or where the court of revision has omitted, neglected or refused to hear or decide any appeal under this section and such appeal shall be a hearing *de novo*.

Restrictions,
limitations,
etc.

- (4) The amount of the abatement or refund of taxes under this section shall be subject to such restrictions and limitations and be applicable only to such classes of properties as are prescribed by the Department.

Occupant
may be
required to
pay part
of taxes.

- (5) Where a person makes application for the abatement or refund of taxes in respect of a business assessment, the court of revision, on notice to any person who occupied the premises and carried on business for the whole or any part of the period in respect of which the application is made, may direct that a proper proportion of the taxes be levied against such person for the time during which such person was in occupation, although the name of such person does not appear on the assessment roll in respect of such premises, and in determining the amount payable, regard shall be had to the nature of the business carried on.

Commence-
ment of
section.

- (2) This section shall be deemed to have come into force on the 1st day of January, 1944.

Rev. Stat.,
c. 272, s. 162,
amended.

- 16.** Section 162 of *The Assessment Act* is amended by adding thereto the following subsection:

Purchase
by municipi-
pality.

- (4) Where an appropriation has been made for the purpose, the municipality may purchase lands under this section.

Rev. Stat.,
c. 272, s. 171,
amended.

- 17.** Section 171 of *The Assessment Act* is amended by adding thereto the following subsection:

Repairs.

- (3) Where the purchaser is a municipality, it may make any expenditure necessary in order to keep the land in a proper state of repair or to insure the same and the amount thereof with interest as provided in section 147 may be added to the amount required to redeem the land, provided that the treasurer has sent at least one month before making such expenditure a notice containing the particulars of the proposed expenditure and an estimate of the cost thereof to each encumbrancer, if any, and to the registered owner by registered letter mailed to the address of such encumbrancer or owner if known to

Proviso.

SECTION 16. Although it is the usual practice to do so, doubt exists as to the right of a municipality to buy lands at an adjourned tax sale under section 162 of *The Assessment Act*. The new subsection is designed to remove the doubt.

SECTION 17. This provision is new. It is considered necessary as the period during which redemption may be made is extended indefinitely under *The Tax Sales Confirmation Acts* of 1943 and 1944.

the treasurer and if such address is not known to the treasurer then to any address of such encumbrancer or owner appearing in the records of the registry office or sheriff's office.

Rev. Stat.,
c. 272, s. 181,
amended. **18.** Section 181 of *The Assessment Act* is amended by adding thereto the following subsection:

Declaration
of treasurer.

- (2) Notwithstanding subsection 1, a tax deed shall not be valid unless there is affixed thereto a statutory declaration of the treasurer that he has complied with subsection 2 of section 178, and such declaration shall form part thereof.

Rev. Stat.,
c. 272, s. 203,
re-enacted. **19.** Section 203 of *The Assessment Act* is repealed and the following substituted therefor:

Where de-
ficiency
occurs.

203. Every municipal council in paying over any rate to a body for which it is required by law to levy rates shall, except where otherwise provided, supply out of the funds of the corporation any deficiency caused by the non-payment of taxes and where any deficiency is caused by the abatement of, refund or inability to collect taxes, the council shall charge back a proportionate share thereof to every such body.

Rev. Stat.,
c. 272,
amended. **20.** *The Assessment Act* is amended by adding thereto the following section:

Grants in
lieu of
taxes.

239. Where any person or real property is by this or any other Act exempt or partly exempt from taxation under this Act and a grant in lieu of the taxes which would otherwise be payable is made to the municipal corporation in any year, the amount of such grant shall be distributed by the council to each of the bodies for which the council is required by law to levy rates in such year in the same proportion as the levy of each of such bodies bears to the total levy.

Commence-
ment of Act. **21.** This Act shall come into force on the day upon which it receives the Royal Assent.

SECTION 18. Subsection 2 of section 178 of *The Assessment Act* provides that the treasurer shall within 90 days from the sale, if the land is not previously redeemed, send to each encumbrancer and to the owner by registered letter a notice stating that the land has been sold for taxes, the date of the sale and that the encumbrancer or owner may within one year redeem the estate sold by paying to the treasurer the amount of the purchase money together with ten per centum added thereto and the costs as specified.

The amendment is complementary to the tax sale confirmation legislation.

SECTION 19. The section as re-enacted clarifies the situation where deficiencies occur in the collection of taxes, particularly in the case of counties where properties become exempt after being included in the equalized assessment.

SECTION 20. Self-explanatory.

1st Reading

March 29th, 1944

2nd Reading

3rd Reading

MR. DUNBAR

No. 76

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Assessment Act.

MR. DUNBAR

(Reprinted as amended by the Committee on Municipal Law.)

TORONTO
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BILL

An Act to amend The Assessment Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 272, s. 1,
amended.

1. Section 1 of *The Assessment Act* is amended by designating clause *a* as clause *aa* and by adding thereto the following clauses:

"Collector";

(a) "Collector" shall mean a collector appointed under *The Municipal Act* and where no such appointment is made, shall mean the treasurer;

"Department";

(ee) "Department" shall mean Department of Municipal Affairs;

"Minister".

(kk) "Minister" shall mean Minister of Municipal Affairs.

Rev. Stat.,
c. 272, s. 4,
para. 8,
amended.

2. Paragraph 8 of section 4 of *The Assessment Act* is amended by adding at the end thereof the words "nor when used for parking vehicles where a fee is charged for such parking", so that the said paragraph shall now read as follows:

Municipal
property.

8. Except as provided in sections 46 and 47, the property belonging to or leased by any county or municipality or vested in or controlled by any public commission wherever situate and whether occupied for the purposes thereof or unoccupied; but not when occupied by a tenant or lessee nor when used for parking vehicles where a fee is charged for such parking.

Rev. Stat.,
c. 272, s. 8,
subs. 6,
amended.

3. Subsection 6 of section 8 of *The Assessment Act* is amended by striking out the symbol and figures "\$250" in

EXPLANATORY NOTES

SECTION 1. The Department of Municipal Affairs and the Minister of Municipal Affairs are defined as "Department" and "Minister" in order to avoid the necessity of setting the names out in full when they are used in the body of the Act.

"Collector" is defined because in many municipalities the treasurer functions as collector as well as treasurer.

SECTION 2. This amendment is complementary to a proposed amendment to *The Municipal Act* which will enable municipalities to acquire land for parking purposes and to charge a fee for parking. It is considered that the land should not be exempt from taxation.

Section 3. Self-explanatory.

the third line and inserting in lieu thereof the symbol and figures "\$100", so that the said subsection shall now read as follows:

Minimum
assessment.

- (6) Where the amount of the assessment of any person assessable under this section would under the foregoing provisions be less than \$100, he shall be assessed for the sum of \$100.

Rev. Stat.,
c. 272, s. 42,
subs. 1,
re-enacted.

4. Subsection 1 of section 42 of *The Assessment Act* is repealed and the following substituted therefor:

Exemption
of farm
lands from
taxation
for certain
expendi-
tures.

- (1) In any city, town, village or township where lands, held and used as farm lands only and in blocks of not less than five acres by any one person, are not benefited to as great an extent by the expenditure of moneys for and on account of public improvements of the character hereinafter mentioned in the municipality as other lands therein generally, the council of the municipality shall annually, at least two months before striking the rate of taxation for the year, pass a by-law declaring what part, if any, of such lands shall be exempt or partly exempt from taxation for the expenditures of the municipality incurred for waterworks, fire protection, garbage collection, sidewalks, pavements or sewers or the lighting, oiling, tarring, treating for dust or watering of the streets, regard being had in determining such exemption to any advantage, direct or indirect, to such lands arising from such expenditures or any of them.

Rev. Stat.,
c. 272, s. 44,
subs. 1,
amended.

5.—(1) Subsection 1 of section 44 of *The Assessment Act* is amended by striking out the words "tramways, street railways and electric railways" in the fifth line and inserting in lieu thereof the words "transportation system", so that the said subsection shall now read as follows:

Assessment
of lands of
water, heat,
light, power,
and trans-
portation
companies.

- (1) The property, by paragraph 5 of clause *i* of section 1, declared to be "land" which is owned by companies or persons supplying water, heat, light and power to municipalities and the inhabitants thereof, and companies and persons operating transportation systems, and companies or persons transmitting oil or gas by pipe line, shall, in a municipality divided into wards, be assessed in the ward in which the head office of such company or person is situate, if such head office is situated in such municipality, but if the

SECTION 4. At present, subsection 1 of section 42 of *The Assessment Act* applies to towns and villages. As re-enacted it will apply to towns, villages, townships and cities and to five acre parcels rather than ten.

At present, the exemption allowable must be in respect of the expenditure of the municipality incurred for waterworks, whether for domestic use or for fire protection or both, the making of sidewalks, the construction of pavements and sewers on the highway, oiling, tarring, treating for dust and watering of the streets. As re-enacted the expenditure may be for waterworks, fire protection, garbage collection, sidewalks, pavements or sewers or the lighting, etc., of streets.

SECTION 5. The deletion of the specific words "tramways, street railways and electric railways" and the substitution of the general words "transportation system" widens the scope of the provision to include busses, trolley busses, etc.

head office of such company or person is not in such municipality, then the assessment may be in any ward thereof.

Rev. Stat.,
c. 272, s. 44,
subs. 4,
amended.

(2) Subsection 4 of the said section 44 is amended by striking out the words "an electric railway" in the third and fourth lines and inserting in lieu thereof the words "a transportation system", so that the said subsection shall now read as follows:

Assessment
of struc-
tures, rails,
etc., of
transporta-
tion system.

(4) Notwithstanding anything contained in this section or any other section of this Act, the structures, sub-structures, superstructures, rails, ties, poles and wires of such a transportation system shall be liable to assessment and taxation in the same manner and to the same extent as those of a steam railway are under the provisions of section 50 and not otherwise.

Rev. Stat.,
c. 272, s. 46,
subs. 1,
amended.

6.—(1) Subsection 1 of section 46 of *The Assessment Act* is amended by striking out the words "railway, electric railway, street railway or tramway" in the fifth and sixth lines, and inserting in lieu thereof the words "transportation system", so that the said subsection shall now read as follows:

Assessment
of land
used by
municipal
public
utilities.

(1) Land owned or leased by or vested in a municipal corporation or commission or in trustees or any other body acting for and on behalf of a municipal corporation and used for the purpose of supplying water, light, heat or power to the inhabitants of the municipality, or for the purposes of a transportation system or telephone system shall be liable to assessment and taxation for municipal and school purposes in the municipality in which it is situate at its actual value, according to the average value of land in the locality.

Rev. Stat.,
c. 272, s. 46,
subs. 3,
amended.

(2) Subsection 3 of the said section 46 is amended by striking out the words "an electric railway" in the third and fourth lines and inserting in lieu thereof the words "transportation system", so that the said subsection shall now read as follows:

Taxation of
restaurants,
etc., of
municipal
transporta-
tion system.

(3) Notwithstanding anything contained in this section or in paragraph 8 of section 4, any restaurants, merry-go-rounds and switchback railways carried on in connection with a transportation system owned, leased or operated by or for a municipal corporation or vested in or controlled by a commission on behalf of a municipal corporation, shall be assessable.

SECTION 6. See note to section 5.

Rev. Stat.,
c. 272, s. 57a
(1942,
c. 34, s. 3,
subs. 3),
amended.

7. Section 57a of *The Assessment Act*, as re-enacted by subsection 3 of section 3 of *The Statute Law Amendment Act, 1942*, and amended by section 2 of *The Assessment Amendment Act, 1943*, is further amended by adding thereto the following subsection:

Distribu-
tion.

- (5) Where taxes are levied under this section, the amount thereof shall be distributed among the bodies for which the council levies rates in the same proportion as the levy of each of such bodies bears to the total levy and in making such distribution each of such bodies shall suffer proportionately for any deficiency caused by the abatement of or inability to collect such taxes.

Rev. Stat.,
c. 272, s. 89,
repealed.

8. Section 89 of *The Assessment Act* is repealed.

Rev. Stat.,
c. 272, s. 89a,
subs. 1
(1940,
c. 1, s. 5),
amended.

9.—(1) Subsection 1 of section 89a of *The Assessment Act*, as enacted by section 5 of *The Assessment Amendment Act, 1940*, is amended by striking out all the words after the word “rolls” in the fifth line and inserting in lieu thereof the words “in the municipalities in the county and for the purpose of ascertaining whether the valuations of real property made by the assessors in each such municipality bear a just relation one to another, shall supervise and advise the assessors and shall report thereon to the county council before the 1st day of June in every year and such report shall form the basis for equalization under section 90”, so that the said subsection shall now read as follows:

County
assessor.

- (1) Subject to the approval of the Department of Municipal Affairs, the council of every county may appoint a county assessor who, for the purpose of making uniform the methods of preparation of the assessment rolls in the municipalities in the county and for the purpose of ascertaining whether the valuations of real property made by the assessors in each such municipality bear a just relation one to another, shall supervise and advise the assessors and shall report thereon to the county council before the 1st day of June in every year and such report shall form the basis for equalization under section 90.

Rev. Stat.,
c. 272, s. 89a
(1940,
c. 1, s. 5),
amended.

(2) The said section 89a is further amended by adding thereto the following subsection:

Depart-
mental
rules.

- (1a) The Minister may, subject to the approval, of the Lieutenant-Governor in Council, by regulation prescribe rules for the guidance of county assessors and every county assessor shall conduct himself in accordance therewith.

SECTION 7. Self-explanatory. It provides for the distribution of taxes collected where the assessment has been added to the roll after the return of the roll.

SECTION 8. Section 89 of *The Assessment Act*, which provides for the appointment of county valuers and sets out their duties, has now been superseded by section 89a, which provides for the appointment of a county assessor and sets out his duties. It is therefore repealed.

SECTION 9—Subsection 1. The amendments are designed to ensure that equalization will be confined to real property valuations and that the report of the county assessor to his council shall form the basis for equalization.

Subsection 2. Subsection 1a of section 89a is new. It is self-explanatory.

Rev. Stat.,
c. 272, s. 90,
subs. 1,
amended.

10. Subsection 1 of section 90 of *The Assessment Act* is amended by inserting after the word "valuations" in the fifth line the words "of real property", so that the said subsection shall now read as follows:

Annual ex-
amination
of assess-
ment rolls
by county
councils
for purpose
of equaliza-
tion.

- (1) The council of every county shall, yearly, and not later than the 1st day of July, examine the assessment rolls of the different townships, towns and villages in the county, for the preceding financial year, for the purpose of ascertaining whether the valuations of real property made by the assessors in each township, town or village bear a just relation one to another, and may, by by-law for the purpose of county rates, increase or decrease in any township, town or village, the aggregate valuations, adding or deducting so much per centum as may, in their opinion, be necessary to produce a just relation between them; but they shall not reduce the aggregate valuation for the whole county as made by the assessors.

Rev. Stat.,
c. 272, s. 91,
para. 4,
amended.

11.—(1) Paragraph 4 of section 91 of *The Assessment Act* is amended by striking out the words "whole assessment of" in the eleventh line and inserting in lieu thereof the words "valuations of real property made by the assessors in each municipality in", so that the said paragraph shall now read as follows:

Appoint-
ment of
court by
Order-in-
Council.

4. The Lieutenant-Governor in Council, upon receiving the notice in writing from the clerk of any county council may appoint three persons who shall form a court, and the said court shall at such time and place as the Lieutenant-Governor in Council may appoint, proceed to hear and determine the appeal either with or without the evidence of witnesses or with such evidence as they may decide upon hearing, and may examine witnesses under oath or otherwise, and may adjourn from time to time, and the court shall equalize the valuations of real property made by the assessors in each municipality in the county and shall forthwith report the same to the county council.

Rev. Stat.,
c. 272, s. 91,
para. 8,
amended.

(2) Paragraph 8 of the said section 91 is amended by striking out the words "whole assessment of" in the eleventh line and inserting in lieu thereof the words "valuations of real property made by the assessors in each municipality in", so that the said paragraph shall now read as follows:

Equaliza-
tion by
county
judge.

8. Where all the parties to the appeal have agreed, as above provided, to have the final equalization of the assessment made by the county judge, the clerk of

~~SECTION 10.~~ The amendment is designed to ensure that only the valuations of real property shall be equalized.

SECTION 11—Subsection 1. See note to section 10.

Subsection 2. See note to section 10.

the county council shall forthwith notify in writing the county judge, and the county judge shall appoint a day for hearing the appeal, not later than ten days from the receipt of such notice of the appeal, and may on such day proceed to hear and determine the appeal, either with or without evidence of witnesses, or with such evidence as he may decide upon hearing, and may examine witnesses under oath or otherwise, and may adjourn from time to time, and the judge shall equalize the valuations of real property made by the assessors in each municipality in the county, and shall forthwith report the same to the county council.

Rev. Stat.,
c. 272, s. 91,
para. 10,
amended.

(3) Paragraph 10 of the said section 91 is amended by striking out the words "county valuator have" in the first and second lines and inserting in lieu thereof the words "a county assessor has", and by striking out the word "valuators" in the third line and inserting in lieu thereof the word "assessor", so that the said paragraph shall now read as follows:

Appeal in
cases of
equaliza-
tion of
assessment.

10. The right of appeal shall exist whether a county assessor has been appointed or not, and upon any such appeal the report of the county assessor shall be open to review by the court or judge as herein provided.

Rev. Stat.,
c. 272, s. 93,
amended.

12. Section 93 of *The Assessment Act* is amended by striking out the words "property equalized" in the fifth line and inserting in lieu thereof the words "real property as equalized and business assessments", so that the said section shall now read as follows:

Apportion-
ment of
county rates,
how to be
based.

93. The council of a county, in apportioning a county rate among the different townships, towns and villages within the county, shall, in order that the same may be assessed equally on the whole rateable property of the county, make the assessment of real property as equalized and business assessments in the preceding year the basis upon which the apportionment is made.

Rev. Stat.,
c. 272, s. 94,
amended.

13. Section 94 of *The Assessment Act* is amended by striking out the words "or valuator's" in the third line.

Rev. Stat.,
c. 272, s. 98,
subs. 1,
amended.

14. Subsection 1 of section 98 of *The Assessment Act* is amended by striking out the word "equalized" in the ninth line, and by inserting after the word "property" in the tenth line the words "as equalized", so that the said subsection shall now read as follows:

Subsection 3. Complementary to the adoption of section 89a and the repeal of section 89 of *The Assessment Act*.

SECTION 12. See note to section 14.

SECTION 13. As there are no longer valuator's rolls the words "or valuator's" are deleted from section 94.

SECTION 14. Doubt exists as to whether the word "equalized" applies to business assessments as well as to assessments of real property or only to assessments of real property. As it is not practical to equalize business assessments the word "equalized" is restricted in its application by this amendment to real property.

County not
to include
income
assessment
in equaliza-
tion.

- (1) Notwithstanding anything in this Act or any other special or general Act contained, income assessments of a local municipality forming part of a county shall not be included in any statement given to the county clerk, nor shall they be included in, but shall be excluded from, any valuation and equalization by a county council of rateable property in the county for any county purpose, and the ascertainment, imposition or levy by a county council of any rate for county purposes shall be made and raised upon and from the assessment of real property as equalized and business assessments only in the county.

Rev. Stat.,
c. 272, s. 125,
re-enacted.

15.—(1) Section 125 of *The Assessment Act* is repealed and the following substituted therefor:

Abatement
or refund.

125.—(1) An application to the court of revision for the abatement or refund of taxes levied in the year in respect of which the application is made may be made by any person,—

- (a) in respect of land which was vacant three months or more in the year; or
- (b) in respect of a building which was razed by fire, demolition or otherwise in the year for the proportionate part of the taxes levied on the building assessment for the part of the year remaining after the building was razed; or
- (c) who is unable to pay taxes because of sickness or extreme poverty; or
- (d) who is overcharged by reason of any gross or manifest error; or
- (e) liable for business tax, who has not carried on such business for the whole year;

and the court of revision may reject the application or cancel or reduce the taxes or order a refund of the taxes or any part thereof.

Time for
making ap-
plication.

- (2) The application may be made at any time during the year and until the 31st day of March in the following year and notice in writing of the application shall be given to the clerk of the municipality.

Appeal.

- (3) An appeal may be had to the county judge by the applicant or the municipality from the decision of

SECTION 15. The present section 125 of *The Assessment Act*, which deals with the abatement of taxes, has proved most difficult from both the administrative and the legal points of view.

It is hoped that the section as re-enacted will be more equitable in principle, that the meaning will be clearer and its procedures simplified. It will apply in the year in which the taxes are levied rather than in the year in which the assessment is made.

the court of revision or where the court of revision has omitted, neglected or refused to hear or decide any appeal under this section and such appeal shall be a hearing *de novo*.

Restrictions,
limitations,
etc.

- (4) The amount of the abatement or refund of taxes under this section shall be subject to such restrictions and limitations and be applicable only to such classes of properties as are prescribed by the Department.

Occupant
may be
required to
pay part
of taxes.

- (5) Where a person makes application for the abatement or refund of taxes in respect of a business assessment, the court of revision, on notice to any person who occupied the premises and carried on business for the whole or any part of the period in respect of which the application is made, may direct that a proper proportion of the taxes be levied against such person for the time during which such person was in occupation, although the name of such person does not appear on the assessment roll in respect of such premises, and in determining the amount payable, regard shall be had to the nature of the business carried on.

Commence-
ment of
section.

- (2) This section shall be deemed to have come into force on the 1st day of January, 1944, provided that nothing contained in this section shall affect the right of any person to make an application in the year 1944 where such application could have been made in such year but for the passing of this section.

Rev. Stat.,
c. 272, s. 162,
amended.

- 16.** Section 162 of *The Assessment Act* is amended by adding thereto the following subsection:

Purchase
by municipi-
pality.

- (4) Where an appropriation has been made for the purpose, the municipality may purchase lands under this section.

Rev. Stat.,
c. 272, s. 171,
amended.

- 17.** Section 171 of *The Assessment Act* is amended by adding thereto the following subsection:

Repairs.

- (3) Where the purchaser is a municipality, it may make any expenditure necessary in order to keep the land in a proper state of repair or to insure the same and the amount thereof with interest as provided in section 147 may be added to the amount required to redeem the land, provided that the treasurer has sent at least one month before making such expenditure a notice containing the particulars of the proposed expenditure and an estimate of the cost thereof to each encumbrancer, if any, and to the

Proviso.

SECTION 16. Although it is the usual practice to do so, doubt exists as to the right of a municipality to buy lands at an adjourned tax sale under section 162 of *The Assessment Act*. The new subsection is designed to remove the doubt.

SECTION 17. This provision is new. It is considered necessary as the period during which redemption may be made is extended indefinitely under *The Tax Sales Confirmation Acts* of 1943 and 1944.

registered owner by registered letter mailed to the address of such encumbrancer or owner if known to the treasurer and if such address is not known to the treasurer then to any address of such encumbrancer or owner appearing in the records of the registry office or sheriff's office.

Rev. Stat.,
c. 272, s. 181,
amended.

18. Section 181 of *The Assessment Act* is amended by adding thereto the following subsection:

Declaration
of treasurer.

- (2) Notwithstanding subsection 1, a tax deed shall not be valid unless there is affixed thereto a statutory declaration of the treasurer that he has complied with subsection 2 of section 178, and such declaration shall form part thereof.

Rev. Stat.,
c. 272, s. 203,
re-enacted.

19. Section 203 of *The Assessment Act* is repealed and the following substituted therefor:

Where de-
ficiency
occurs.

203. Every municipal council in paying over any rate to a body for which it is required by law to levy rates shall, except where otherwise provided, supply out of the funds of the corporation any deficiency caused by the non-payment of taxes and where any deficiency is caused by the abatement of, refund or inability to collect taxes, the council shall charge back a proportionate share thereof to every such body.

Rev. Stat.,
c. 272,
amended.

20. *The Assessment Act* is amended by adding thereto the following section:

Grants in
lieu of
taxes.

239. Where any person or real property is by this or any other Act exempt or partly exempt from taxation under this Act and a grant in lieu of the taxes which would otherwise be payable is made to the municipal corporation in any year, the amount of such grant shall be distributed by the council to each of the bodies for which the council is required by law to levy rates in such year in the same proportion as the levy of each of such bodies bears to the total levy.

- (a) In this section the bodies to share in the distribution shall be the bodies to which the taxes of such person or real property would have been applied if such person or real property had not been exempt or partly exempt.

Commence-
ment of Act.

21. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

22. This Act may be cited as *The Assessment Amendment Act, 1944*.

SECTION 18. Subsection 2 of section 178 of *The Assessment Act* provides that the treasurer shall within 90 days from the sale, if the land is not previously redeemed, send to each encumbrancer and to the owner by registered letter a notice stating that the land has been sold for taxes, the date of the sale and that the encumbrancer or owner may within one year redeem the estate sold by paying to the treasurer the amount of the purchase money together with ten per centum added thereto and the costs as specified.

The amendment is complementary to the tax sale confirmation legislation.

SECTION 19. The section as re-enacted clarifies the situation where deficiencies occur in the collection of taxes, particularly in the case of counties where properties become exempt after being included in the equalized assessment.

SECTION 20. Self-explanatory.

1st Reading

March 29th, 1944

2nd Reading

March 30th, 1944

3rd Reading

MR. DUNBAR

*(Reprinted as amended by the Committee on
Municipal Law.)*

No. 76

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

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An Act to amend The Assessment Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 272, s. 1,
amended.

1. Section 1 of *The Assessment Act* is amended by designating clause *a* as clause *aa* and by adding thereto the following clauses:

"Collector";

(a) "Collector" shall mean a collector appointed under *The Municipal Act* and where no such appointment is made, shall mean the treasurer;

"Department";

(ee) "Department" shall mean Department of Municipal Affairs;

"Minister".

(kk) "Minister" shall mean Minister of Municipal Affairs.

Rev. Stat.,
c. 272, s. 4,
para. 8,
amended.

2. Paragraph 8 of section 4 of *The Assessment Act* is amended by adding at the end thereof the words "nor when used for parking vehicles where a fee is charged for such parking", so that the said paragraph shall now read as follows:

Municipal
property.

8. Except as provided in sections 46 and 47, the property belonging to or leased by any county or municipality or vested in or controlled by any public commission wherever situate and whether occupied for the purposes thereof or unoccupied; but not when occupied by a tenant or lessee nor when used for parking vehicles where a fee is charged for such parking.

Rev. Stat.,
c. 272, s. 8,
subs. 6,
amended.

3. Subsection 6 of section 8 of *The Assessment Act* is amended by striking out the symbol and figures "\$250" in

the third line and inserting in lieu thereof the symbol and figures "\$100", so that the said subsection shall now read as follows:

- (6) Where the amount of the assessment of any person assessable under this section would under the foregoing provisions be less than \$100, he shall be assessed for the sum of \$100. Minimum assessment.

4. Subsection 1 of section 42 of *The Assessment Act* is repealed and the following substituted therefor: Rev. Stat., c. 272, s. 42, subs. 1, re-enacted.

- (1) In any city, town, village or township where lands, held and used as farm lands only and in blocks of not less than five acres by any one person, are not benefited to as great an extent by the expenditure of moneys for and on account of public improvements of the character hereinafter mentioned in the municipality as other lands therein generally, the council of the municipality shall annually, at least two months before striking the rate of taxation for the year, pass a by-law declaring what part, if any, of such lands shall be exempt or partly exempt from taxation for the expenditures of the municipality incurred for waterworks, fire protection, garbage collection, sidewalks, pavements or sewers or the lighting, oiling, tarring, treating for dust or watering of the streets, regard being had in determining such exemption to any advantage, direct or indirect, to such lands arising from such expenditures or any of them. Exemption of farm lands from taxation for certain expenditures.

5.—(1) Subsection 1 of section 44 of *The Assessment Act* is amended by striking out the words "tramways, street railways and electric railways" in the fifth line and inserting in lieu thereof the words "transportation system", so that the said subsection shall now read as follows: Rev. Stat., c. 272, s. 44, subs. 1, amended.

- (1) The property, by paragraph 5 of clause *i* of section 1, declared to be "land" which is owned by companies or persons supplying water, heat, light and power to municipalities and the inhabitants thereof, and companies and persons operating transportation systems, and companies or persons transmitting oil or gas by pipe line, shall, in a municipality divided into wards, be assessed in the ward in which the head office of such company or person is situate, if such head office is situated in such municipality, but if the Assessment of lands of water, heat, light, power, and transportation companies.

head office of such company or person is not in such municipality, then the assessment may be in any ward thereof.

Rev. Stat.,
c. 272, s. 44,
subs. 4,
amended.

(2) Subsection 4 of the said section 44 is amended by striking out the words "an electric railway" in the third and fourth lines and inserting in lieu thereof the words "a transportation system", so that the said subsection shall now read as follows:

Assessment
of struc-
tures, rails,
etc., of
transporta-
tion system.

(4) Notwithstanding anything contained in this section or any other section of this Act, the structures, sub-structures, superstructures, rails, ties, poles and wires of such a transportation system shall be liable to assessment and taxation in the same manner and to the same extent as those of a steam railway are under the provisions of section 50 and not otherwise.

Rev. Stat.,
c. 272, s. 46,
subs. 1,
amended.

6.—(1) Subsection 1 of section 46 of *The Assessment Act* is amended by striking out the words "railway, electric railway, street railway or tramway" in the fifth and sixth lines, and inserting in lieu thereof the words "transportation system", so that the said subsection shall now read as follows:

Assessment
of land
used by
municipal
public
utilities.

(1) Land owned or leased by or vested in a municipal corporation or commission or in trustees or any other body acting for and on behalf of a municipal corporation and used for the purpose of supplying water, light, heat or power to the inhabitants of the municipality, or for the purposes of a transportation system or telephone system shall be liable to assessment and taxation for municipal and school purposes in the municipality in which it is situate at its actual value, according to the average value of land in the locality.

Rev. Stat.,
c. 272, s. 46,
subs. 3,
amended.

(2) Subsection 3 of the said section 46 is amended by striking out the words "an electric railway" in the third and fourth lines and inserting in lieu thereof the words "transportation system", so that the said subsection shall now read as follows:

Taxation of
restaurants,
etc., of
municipal
transporta-
tion system.

(3) Notwithstanding anything contained in this section or in paragraph 8 of section 4, any restaurants, merry-go-rounds and switchback railways carried on in connection with a transportation system owned, leased or operated by or for a municipal corporation or vested in or controlled by a commission on behalf of a municipal corporation, shall be assessable.

7. Section 57a of *The Assessment Act*, as re-enacted by subsection 3 of section 3 of *The Statute Law Amendment Act, 1942*, and amended by section 2 of *The Assessment Amendment Act, 1943*, is further amended by adding thereto the following subsection:

Rev. Stat.,
c. 272, s. 57a
(1942,
c. 34, s. 3,
subs. 3),
amended.

- (5) Where taxes are levied under this section, the amount thereof shall be distributed among the bodies for which the council levies rates in the same proportion as the levy of each of such bodies bears to the total levy and in making such distribution each of such bodies shall suffer proportionately for any deficiency caused by the abatement of or inability to collect such taxes.

Distribu-
tion.

8. Section 89 of *The Assessment Act* is repealed.

Rev. Stat.,
c. 272, s. 89,
repealed.

9.—(1) Subsection 1 of section 89a of *The Assessment Act*, as enacted by section 5 of *The Assessment Amendment Act, 1940*, is amended by striking out all the words after the word "rolls" in the fifth line and inserting in lieu thereof the words "in the municipalities in the county and for the purpose of ascertaining whether the valuations of real property made by the assessors in each such municipality bear a just relation one to another, shall supervise and advise the assessors and shall report thereon to the county council before the 1st day of June in every year and such report shall form the basis for equalization under section 90", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 272, s. 89a,
subs. 1
(1940,
c. 1, s. 5),
amended.

- (1) Subject to the approval of the Department of Municipal Affairs, the council of every county may appoint a county assessor who, for the purpose of making uniform the methods of preparation of the assessment rolls in the municipalities in the county and for the purpose of ascertaining whether the valuations of real property made by the assessors in each such municipality bear a just relation one to another, shall supervise and advise the assessors and shall report thereon to the county council before the 1st day of June in every year and such report shall form the basis for equalization under section 90.

County
assessor.

(2) The said section 89a is further amended by adding thereto the following subsection:

Rev. Stat.,
c. 272, s. 89a
(1940,
c. 1, s. 5),
amended.

- (1a) The Minister may, subject to the approval, of the Lieutenant-Governor in Council, by regulation prescribe rules for the guidance of county assessors and every county assessor shall conduct himself in accordance therewith.

Depart-
mental
rules.

Rev. Stat.,
c. 272, s. 90,
subs. 1,
amended.

10. Subsection 1 of section 90 of *The Assessment Act* is amended by inserting after the word "valuations" in the fifth line the words "of real property", so that the said subsection shall now read as follows:

Annual ex-
amination
of assess-
ment rolls
by county
councils
for purpose
of equaliza-
tion.

- (1) The council of every county shall, yearly, and not later than the 1st day of July, examine the assessment rolls of the different townships, towns and villages in the county, for the preceding financial year, for the purpose of ascertaining whether the valuations of real property made by the assessors in each township, town or village bear a just relation one to another, and may, by by-law for the purpose of county rates, increase or decrease in any township, town or village, the aggregate valuations, adding or deducting so much per centum as may, in their opinion, be necessary to produce a just relation between them; but they shall not reduce the aggregate valuation for the whole county as made by the assessors.

Rev. Stat.,
c. 272, s. 91,
para. 4,
amended.

11.—(1) Paragraph 4 of section 91 of *The Assessment Act* is amended by striking out the words "whole assessment of" in the eleventh line and inserting in lieu thereof the words "valuations of real property made by the assessors in each municipality in", so that the said paragraph shall now read as follows:

Appoint-
ment of
court by
Order-in-
Council.

4. The Lieutenant-Governor in Council, upon receiving the notice in writing from the clerk of any county council may appoint three persons who shall form a court, and the said court shall at such time and place as the Lieutenant-Governor in Council may appoint, proceed to hear and determine the appeal either with or without the evidence of witnesses or with such evidence as they may decide upon hearing, and may examine witnesses under oath or otherwise, and may adjourn from time to time, and the court shall equalize the valuations of real property made by the assessors in each municipality in the county and shall forthwith report the same to the county council.

Rev. Stat.,
c. 272, s. 91,
para. 8,
amended.

(2) Paragraph 8 of the said section 91 is amended by striking out the words "whole assessment of" in the eleventh line and inserting in lieu thereof the words "valuations of real property made by the assessors in each municipality in", so that the said paragraph shall now read as follows:

Equaliza-
tion by
county
judge.

8. Where all the parties to the appeal have agreed, as above provided, to have the final equalization of the assessment made by the county judge, the clerk of

the county council shall forthwith notify in writing the county judge, and the county judge shall appoint a day for hearing the appeal, not later than ten days from the receipt of such notice of the appeal, and may on such day proceed to hear and determine the appeal, either with or without evidence of witnesses, or with such evidence as he may decide upon hearing, and may examine witnesses under oath or otherwise, and may adjourn from time to time, and the judge shall equalize the valuations of real property made by the assessors in each municipality in the county, and shall forthwith report the same to the county council.

(3) Paragraph 10 of the said section 91 is amended by striking out the words "county valuator's" in the first and second lines and inserting in lieu thereof the words "a county assessor has", and by striking out the word "valuators" in the third line and inserting in lieu thereof the word "assessor", so that the said paragraph shall now read as follows:

Rev. Stat.,
c. 272, s. 91,
para. 10,
amended.

10. The right of appeal shall exist whether a county assessor has been appointed or not, and upon any such appeal the report of the county assessor shall be open to review by the court or judge as herein provided.

Appeal in
cases of
equaliza-
tion of
assessment.

12. Section 93 of *The Assessment Act* is amended by striking out the words "property equalized" in the fifth line and inserting in lieu thereof the words "real property as equalized and business assessments", so that the said section shall now read as follows:

Rev. Stat.,
c. 272, s. 93,
amended.

93. The council of a county, in apportioning a county rate among the different townships, towns and villages within the county, shall, in order that the same may be assessed equally on the whole rateable property of the county, make the assessment of real property as equalized and business assessments in the preceding year the basis upon which the apportionment is made.

Apportion-
ment of
county rates,
how to be
based.

13. Section 94 of *The Assessment Act* is amended by striking out the words "or valuator's" in the third line.

Rev. Stat.,
c. 272, s. 94,
amended.

14. Subsection 1 of section 98 of *The Assessment Act* is amended by striking out the word "equalized" in the ninth line, and by inserting after the word "property" in the tenth line the words "as equalized", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 272, s. 98,
subs. 1,
amended.

County not
to include
income
assessment
in equaliza-
tion.

- (1) Notwithstanding anything in this Act or any other special or general Act contained, income assessments of a local municipality forming part of a county shall not be included in any statement given to the county clerk, nor shall they be included in, but shall be excluded from, any valuation and equalization by a county council of rateable property in the county for any county purpose, and the ascertainment, imposition or levy by a county council of any rate for county purposes shall be made and raised upon and from the assessment of real property as equalized and business assessments only in the county.

Rev. Stat.,
c. 272, s. 125,
re-enacted.

15.—(1) Section 125 of *The Assessment Act* is repealed and the following substituted therefor:

Abatement
or refund.

125.—(1) An application to the court of revision for the abatement or refund of taxes levied in the year in respect of which the application is made may be made by any person,—

- (a) in respect of land which was vacant three months or more in the year; or
- (b) in respect of a building which was razed by fire, demolition or otherwise in the year for the proportionate part of the taxes levied on the building assessment for the part of the year remaining after the building was razed; or
- (c) who is unable to pay taxes because of sickness or extreme poverty; or
- (d) who is overcharged by reason of any gross or manifest error; or
- (e) liable for business tax, who has not carried on such business for the whole year;

and the court of revision may reject the application or cancel or reduce the taxes or order a refund of the taxes or any part thereof.

Time for
making ap-
plication.

- (2) The application may be made at any time during the year and until the 31st day of March in the following year and notice in writing of the application shall be given to the clerk of the municipality.

Appeal.

- (3) An appeal may be had to the county judge by the applicant or the municipality from the decision of

the court of revision or where the court of revision has omitted, neglected or refused to hear or decide any appeal under this section and such appeal shall be a hearing *de novo*.

- (4) The amount of the abatement or refund of taxes under this section shall be subject to such restrictions and limitations and be applicable only to such classes of properties as are prescribed by the Department. Restrictions, limitations, etc.

- (5) Where a person makes application for the abatement or refund of taxes in respect of a business assessment, the court of revision, on notice to any person who occupied the premises and carried on business for the whole or any part of the period in respect of which the application is made, may direct that a proper proportion of the taxes be levied against such person for the time during which such person was in occupation, although the name of such person does not appear on the assessment roll in respect of such premises, and in determining the amount payable, regard shall be had to the nature of the business carried on. Occupant may be required to pay part of taxes.

(2) This section shall be deemed to have come into force on the 1st day of January, 1944, provided that nothing contained in this section shall affect the right of any person to make an application in the year 1944 where such application could have been made in such year but for the passing of this section. Commencement of section.

16. Section 162 of *The Assessment Act* is amended by adding thereto the following subsection: Rev. Stat., c. 272, s. 162, amended.

- (4) Where an appropriation has been made for the purpose, the municipality may purchase lands under this section. Purchase by municipality.

17. Section 171 of *The Assessment Act* is amended by adding thereto the following subsection: Rev. Stat., c. 272, s. 171, amended.

- (3) Where the purchaser is a municipality, it may make any expenditure necessary in order to keep the land in a proper state of repair or to insure the same and the amount thereof with interest as provided in section 147 may be added to the amount required to redeem the land, provided that the treasurer has sent at least one month before making such expenditure a notice containing the particulars of the proposed expenditure and an estimate of the cost thereof to each encumbrancer, if any, and to the Repairs.
- Proviso.

registered owner by registered letter mailed to the address of such encumbrancer or owner if known to the treasurer and if such address is not known to the treasurer then to any address of such encumbrancer or owner appearing in the records of the registry office or sheriff's office.

Rev. Stat.,
c. 272, s. 181,
amended.

18. Section 181 of *The Assessment Act* is amended by adding thereto the following subsection:

Declaration
of treasurer.

- (2) Notwithstanding subsection 1, a tax deed shall not be valid unless there is affixed thereto a statutory declaration of the treasurer that he has complied with subsection 2 of section 178, and such declaration shall form part thereof.

Rev. Stat.,
c. 272, s. 203,
re-enacted.

19. Section 203 of *The Assessment Act* is repealed and the following substituted therefor:

Where de-
ficiency
occurs.

203. Every municipal council in paying over any rate to a body for which it is required by law to levy rates shall, except where otherwise provided, supply out of the funds of the corporation any deficiency caused by the non-payment of taxes and where any deficiency is caused by the abatement of, refund or inability to collect taxes, the council shall charge back a proportionate share thereof to every such body.

Rev. Stat.,
c. 272,
amended.

20. *The Assessment Act* is amended by adding thereto the following section:

Grants in
lieu of
taxes.

239. Where any person or real property is by this or any other Act exempt or partly exempt from taxation under this Act and a grant in lieu of the taxes which would otherwise be payable is made to the municipal corporation in any year, the amount of such grant shall be distributed by the council to each of the bodies for which the council is required by law to levy rates in such year in the same proportion as the levy of each of such bodies bears to the total levy.

- (a) In this section the bodies to share in the distribution shall be the bodies to which the taxes of such person or real property would have been applied if such person or real property had not been exempt or partly exempt.

Commence-
ment of Act.

21. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

22. This Act may be cited as *The Assessment Amendment Act, 1944*.

1st Reading

March 29th, 1944

2nd Reading

March 30th, 1944

3rd Reading

April 5th, 1944

MR. DUNBAR

No. 77

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Game and Fisheries Act.

MR. DUNBAR

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Game and Fisheries Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows;

Rev. Stat.,
c. 353, s. 2,
cl. o,
repealed.

1. Clause *o* of section 2 of *The Game and Fisheries Act* is repealed.

Rev. Stat.,
c. 353, s. 6,
subs. 1,
amended.

2. Subsection 1 of section 6 of *The Game and Fisheries Act* is amended by adding thereto the following clause:

(*qq*) prescribing the royalties payable in respect of the issue of a permit to ship or take an animal, skin or pelt to a point outside the Province or to have it sent to a tanner or taxidermist to be dressed, plucked or treated.

Rev. Stat.,
c. 353, s. 7,
cl. b, re-
enacted.

3.—(1) Clause *b* of section 7 of *The Game and Fisheries Act* as amended by subsection 1 of section 4 of *The Game and Fisheries Amendment Act, 1938*, is repealed and the following substituted therefor:

Deer, moose,
north of
Lake
Nipissing,
French and
Mattawa
Rivers.

(*b*) any deer or moose in that part of Ontario lying south of the main line of the Canadian National Railway (formerly the Grand Trunk Pacific Railway) from Quebec to the Manitoba boundary and north of the Mattawa River, Lake Nipissing and the French River to the intersection of the latter with the Toronto-Sudbury branch of the Canadian Pacific Railway near Bigwood; thence following the line of the Toronto-Sudbury branch of the Canadian Pacific Railway and the main line of the Canadian Pacific Railway to its intersection with the northern boundary of Morse Township in the District of Sudbury; thence westerly along the northerly boundaries of the Townships of Morse and Dennis and the southerly boundaries of the Townships of Alton, Jasper, Durban, Ethel, Comox, Y, 5A, 5B, 5C, 5D, 5E and 5F to the southwest angle of 5F Township;

EXPLANATORY NOTES

SECTION 1. The definition of "one day" is omitted as it is inconsistent with its use in several parts of the Act. The context renders the meaning clear in every instance.

SECTION 2 The provisions of the Act prescribing the royalties which are payable in respect of the issue of a permit to ship or take an animal skin or pelt out of Ontario or to have a skin or pelt dressed, plucked or treated are replaced by this clause which authorizes the prescribing of such royalties by regulation.

SECTION 3—Subsection 1. Certain townships are removed from that part of Ontario in which the open season for deer is the period from November 1st to November 25th and will now be included in that part of Ontario in which the open season for deer is from October 15th to November 25th. In effect there is no change in the law with respect to these townships for they have been included in the latter district by annual regulation for the past several years.

thence northerly along the westerly boundaries of Townships 5F, 6F and 7F to the northwest angle of 7F Township; thence westerly along the southerly boundaries of Townships SG, SH, 22 range 15 and 23 range 15 to the southwest angle of the District of Sudbury; thence southerly along the westerly boundary of block 23, range 14, to the southeast angle of block 24, range 15; thence westerly along the southerly boundaries of blocks 24, 25, 26, 27, 28 and 29, range 15, to Lake Superior, except from the 15th day of October to the 25th day of November, provided that the provisions of this clause shall not apply to moose in those parts of Ontario described in the following subclauses,—

Open season
for moose
not to apply.

- (i) That portion of Ontario bounded on the north by the road running east from Westree (on the line of the Canadian National Railway) through Shiningtree, Gowganda and Elk Lake to Highway Number 11 south of Englehart; thence south along Highway Number 11, through Earlton, Thornloe and Hanbury to New Liskeard; thence east and north along the road from New Liskeard to the interprovincial boundary; thence southerly along the interprovincial boundary, Lake Temiskaming and the Ottawa River to the confluence of the Ottawa and Mattawa Rivers; thence westerly along the Mattawa River, Lake Nipissing and the French River to the intersection of the latter with the Toronto-Sudbury branch of the Canadian Pacific Railway near Bigwood; thence northerly along the Toronto-Sudbury branch of the Canadian Pacific Railway to its intersection with the line of the Canadian National Railway south of Wanup, and continuing northerly along the line of the Canadian National Railway from the aforesaid intersection to the point of commencement.
- (ii) That portion of Ontario bounded on the north by the main line of the Canadian National Railway running east from the Manitoba boundary to Superior Junction; thence southeasterly along the line of the Canadian National Railway from Superior Junction to Fort William; thence southwesterly along the north shore of Lake Superior to the mouth of the Pigeon River; thence westerly along the International Boundary from the mouth

of the Pigeon River to the Manitoba boundary at the North West Angle Inlet of the Lake of the Woods; thence northerly along the Manitoba boundary from the North West Angle Inlet of the Lake of the Woods to the point of commencement.

Rev. Stat., c. 353, s. 7, cl. *d*, re-enacted. (2) Clause *d* of the said section 7 is repealed and the following substituted therefor:

Deer, certain counties and townships;

(*d*) any deer in the Counties of Brant, Bruce, Carleton, Dufferin, Dundas, Durham, Elgin, Essex, Glengarry, Grenville, Grey, Haldimand, Halton, Huron, Kent, Lambton, Leeds, Lincoln, Middlesex, Norfolk, Northumberland, Oxford, Peel, Perth, Prince Edward, Simcoe, Stormont, Waterloo, Welland, Wellington, Wentworth and York, the Township of Howe Island in the County of Frontenac, the Townships of Scott and Brock and all townships lying south thereof in the County of Ontario and the Township of Cambridge in the County of Russell, at any time;

parts of Parry Sound and Nipissing;

(*dd*) any deer in those parts of the Districts of Parry Sound and Nipissing lying within the area which is bounded as follows—commencing at the Town of Parry Sound, thence easterly along the line of the Canadian National Railway which passes through the Town of Kearney to the westerly boundary of Algonquin Park; thence northerly and following the boundary of Algonquin Park to the easterly boundary of the Township of Cameron; thence northerly along the easterly boundary of the said township to the Ottawa River; thence westerly along the southerly shore of the Ottawa and Mattawa Rivers, Lake Nipissing and the French River to the Georgian Bay; thence southerly along the shore of the Georgian Bay to the Town of Parry Sound, except for a period of sixteen days from and including the Monday nearest to the 1st day of November.

south of French and Mattawa Rivers and Lake Nipissing.

(*ddd*) any deer in that part of Ontario lying south of the French and Mattawa Rivers and Lake Nipissing and not included in those parts of Ontario described in clauses *d* and *dd*, except for a period of sixteen days from and including the Monday nearest to the 8th day of November.

Rev. Stat., c. 353, s. 10, subs. 4, amended.

4. Subsection 4 of section 10 of *The Game and Fisheries Act* is amended by striking out the words "farmers residing and hunting on their own lands" in the fourth and fifth lines and inserting in lieu thereof the words "a farmer or his sons

Subsection 2. Clause *d* is clarified by re-enacting as three separate clauses. The effect of the re-enactment is to further restrict the hunting of deer in southern Ontario and to alter the period during which deer may be hunted although such period is not shortened.

SECTION 4. The privilege of farmers to hunt on their own land is extended to their sons who are residing upon such land.

residing and hunting on the lands of such farmer", so that the said subsection shall now read as follows:

Use of firearms without license prohibited.

- (4) Every resident who uses any firearm or air gun for the purpose of hunting or shooting any bird or animal except under the authority of a license, shall be guilty of an offence against this Act, but this subsection shall not apply to a farmer or his sons residing and hunting on the lands of such farmer, and in all actions and prosecutions under this subsection, possession of any firearm or air gun shall be *prima facie* evidence that the person in possession thereof was hunting or shooting such birds or animals, provided that such license shall not be sufficient authority to use or carry a rifle of greater calibre or projective power than the rifle commonly known as a "twenty-two calibre low-powered rifle" during the open season for deer or moose in areas which such animals inhabit or in which they are usually found.

Proviso.

Rev. Stat.,
c. 353, s. 15,
subs. 3,
(1938,
c. 13, s. 6),
re-enacted.

5. Subsection 3 of section 15 of *The Game and Fisheries Act* as enacted by section 6 of *The Game and Fisheries Amendment Act, 1938*, is repealed and the following substituted therefor:

- (3) For the purposes of this section,

"tourist
outfitter";

- (a) "tourist outfitter" shall mean any person who owns or operates a camp and maintains or provides directly or indirectly for the accommodation and use of tourists any boat, canoe, tent, sleeping bag, blanket, utensil or other article used or required for angling, hunting or camping or supplies or provides licensed guides;

"camp";

- (b) "camp" shall mean a dwelling, lodge, cabin, tent, houseboat, or other temporary or permanent structure used as sleeping quarters; and

"tourist".

- (c) "tourist" shall mean a guest, tenant, club member or any other person who pays directly or indirectly for accommodation or services rendered at a camp.

Rev. Stat.,
c. 353, s. 17,
amended.

6. Section 17 of *The Game and Fisheries Act* is amended by inserting after the word "nets" in the second line the words "hoop nets, pound nets or seine nets", so that the said section shall now read as follows:

SECTION 5. The definitions in the section which regulates the operation of tourist outfitters' camps in certain parts of Ontario are revised to bring them into line with their generally recognized meaning and "tourist" is defined.

SECTION 6. The provisions of the section prohibiting any person to buy, sell or be in possession of a gill net except under the authority of a license or permit are extended to hoop nets, pound nets and seine nets.

Nets.

17. It shall be unlawful for any person to buy, sell, or be in possession of gill nets, hoop nets, pound nets or seine nets without the authority of a license or permit.

Rev. Stat.,
c. 353, s. 24,
cl. a,
amended.

7. Clause *a* of section 24 of *The Game and Fisheries Act* is amended by striking out the words "during the months of April and May" in the eleventh and twelfth lines and inserting in lieu thereof the words and figures "from the 1st day of April to the 15th day of June", and by adding at the end thereof the words "provided that for any hunting authorized by this license it shall be unlawful for a licensee to use a shot-gun or a rifle commonly known as a twenty-two calibre low-powered or rim fire rifle", so that the said clause shall now read as follows:

Non-resident
hunting
licenses.

(a) to non-residents and the fees and licenses shall be,—

\$15—for license to hunt and shoot bear, game birds and rabbits, together with a fee of fifty cents for the issuing of same;

\$25—for license to hunt and shoot deer, bear, game birds and rabbits, together with a fee of seventy-five cents for the issuing of same;

\$40—for license to hunt and shoot moose, deer' bear, game birds and rabbits, together with a fee of \$1 for the issuing of same;

\$5—for license to hunt and shoot bear from the 1st day of April to the 15th day of June together with a fee of twenty-five cents for the issuing thereof; provided that for any hunting authorized by this license it shall be unlawful for a licensee to use a shot-gun or a rifle commonly known as a twenty-two calibre low-powered or rim fire rifle.

Rev. Stat.,
c. 353, s. 29,
amended.

8. Section 29 of *The Game and Fisheries Act* as amended by section 1 of *The Game and Fisheries Amendment Act, 1939*, is further amended by striking out all the words after the word "pelt" in the eighth line of subsection 1 down to and including the word and figures "Wolverine.....40" in the twenty-fifth line and by numbering the remaining portion of the said subsection 1 as subsection 1a.

Rev. Stat.,
c. 353, s. 35,
subs. 6,
repealed.

9. Subsection 6 of section 35 of *The Game and Fisheries Act* is repealed.

Rev. Stat.,
c. 353,
amended.

10. *The Game and Fisheries Act* is amended by adding thereto the following section:

35a.—(1) It shall be unlawful,—

SECTION 7. The term of a license to hunt bear during the spring season which is now limited to the months of April and May is extended to include the first fifteen days of June. The added proviso is self-explanatory.

SECTION 8. This section is complementary to section 2 of the Bill.

SECTION 9. The provisions of the subsection which is repealed are included in clause *a* of section 35a enacted by section 10 of this Bill.

SECTION 10. The new section is self-explanatory. The provisions of clause *a* were formerly contained in subsection 6 of section 35 but are more suitable for inclusion in this section.

Dogs,—
restriction
of.

- (a) for the owner of any dog to use or permit such dog to be used in any manner for the taking or killing of any mink, beaver or otter;
- (b) for the owner of any dog commonly known as a greyhound, or any cross breed thereof, to permit such dog to pursue game or run at large on Sunday in any area where game is usually found; or
- (c) for the owner of any dog to permit such dog to molest or follow upon the track of any wild game bird or disturb the nest of any such bird during the months of April, May, June or July, except in any field trial approved by the Department.

'Owner',—
what to
include.

- (2) In this section "owner" shall include any person having a dog in his possession or charge or under his control.

Rev. Stat.,
c. 353, s. 40,
amended.

11.—(1) Section 40 of *The Game and Fisheries Act* is amended by adding thereto the following subsection:

Device for
casting rays.

- (1a) No person or persons having in his or their possession any device capable of throwing or casting rays of light upon an object shall have in his or their possession during the period between one-half hour after sunset and one-half hour before sunrise any rifle or other fire-arm capable of killing deer or moose unless such rifle or other fire-arm is unloaded and encased or dismantled.

Rev. Stat.,
c. 353, s. 40,
subs. 2,
re-enacted.

(2) Subsection 2 of the said section 40 as amended by subsection 1 of section 2 of *The Game and Fisheries Amendment Act, 1939*, is repealed and the following substituted therefor:

Use of snares
in certain
counties
prohibited.

- (2) It shall be unlawful for any person to use snares for any purpose in the Counties of Carleton, Dundas, Durham, Frontenac, Glengarry, Grenville, Halton, Hastings, Lanark, Leeds, Lennox and Addington, Northumberland, Ontario, Peel, Peterborough, Stormont, Victoria and York.

Rev. Stat.,
c. 353, s. 40,
subs. 5,
(1938,
c. 13, s. 8),
re-enacted.

(3) Subsection 5 of the said section 40 as enacted by section 8 of *The Game and Fisheries Amendment Act, 1938*, and amended by subsection 2 of section 2 of *The Game and Fisheries Amendment Act, 1939*, is repealed and the following substituted therefor:

Cotton tail
rabbits.

- (5) It shall be unlawful for any person to hunt, kill or destroy more than six cotton tail rabbits in any one

SECTION 11—Subsection 1. The provisions of the newly enacted subsection are new and are self-explanatory.

Subsections 2, 3, 4. The provisions of these subsections, which are self-explanatory, are extended to include certain counties not already included.

day in the Counties of Elgin, Essex, Haldimand, Kent, Lambton, Lincoln, Middlesex, Oxford, Waterloo, Welland, Wentworth and York.

Rev. Stat.,
c. 353, s. 40,
subs. 6
(1938,
c. 13, s. 8),
re-enacted.

(4) Subsection 6 of the said section 40 as enacted by section 8 of *The Game and Fisheries Amendment Act, 1938*, and amended by subsection 3 of section 2 of *The Game and Fisheries Amendment Act, 1939*, is repealed and the following substituted therefor:

Prohibition
against
selling, etc.,
cotton tail
rabbits.

(6) It shall be unlawful for any person to sell, offer for sale, purchase or barter, or to be concerned in the sale, purchase or barter of any cotton tail rabbits in the Counties of Elgin, Essex, Haldimand, Kent, Lambton, Lincoln, Middlesex, Oxford, Waterloo, Welland, Wentworth and York.

Rev. Stat.,
c. 353, s. 41
(1939,
c. 16, s. 3),
amended.

12. Section 41 of *The Game and Fisheries Act* as re-enacted by section 3 of *The Game and Fisheries Amendment Act, 1939*, is amended by adding thereto the following subsection:

Shooting
from or
across the
King's
Highway.

(2) It shall be unlawful for any person to discharge any air-gun, gun or other firearm from or across the King's Highway.

Rev. Stat.,
c. 353, s. 59,
subs. 1
(1939,
c. 16, s. 7,
subs. 1),
amended.

13. Subsection 1 of section 59 of *The Game and Fisheries Act* as re-enacted by subsection 1 of section 7 of *The Game and Fisheries Amendment Act, 1939*, is amended by striking out the word "and" in the sixth line and by adding after the word "geese" in the sixth line the words "and additional small game animals and birds not in excess of the numbers authorized to be killed or taken by this Act or the regulations in respect of which special open seasons may be provided", so that the said subsection shall now read as follows:

Exporting
deer, etc.,
by holders
of non-
resident
licenses.

(1) It shall be unlawful for any non-resident, entitled to hunt or shoot in Ontario by virtue of a license under this Act, to export in any one open season game actually and lawfully killed by him in excess of the following: one deer, one bull-moose or caribou, bears or bear pelts, one hundred ducks, fifty geese and additional small game animals and birds not in excess of the numbers authorized to be killed or taken by this Act or the regulations in respect of which special open seasons may be provided.

Short title.

14. This Act may be cited as *The Game and Fisheries Amendment Act, 1944*.

SECTION 12. The newly enacted subsection is self explanatory.

SECTION 13. The amendment makes provision for the exportation of certain game animals and birds.

1st Reading

March 29th, 1944

2nd Reading

3rd Reading

MR. DUNBAR

No. 77

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Game and Fisheries Act.

MR. DUNBAR

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



BILL

An Act to amend The Game and Fisheries Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows;

Rev. Stat.,
c. 353, s. 2,
cl. o,
repealed.

1. Clause o of section 2 of *The Game and Fisheries Act* is repealed.

Rev. Stat.,
c. 353, s. 6,
subs. 1,
amended.

2. Subsection 1 of section 6 of *The Game and Fisheries Act* is amended by adding thereto the following clause:

(qq) prescribing the royalties payable in respect of the issue of a permit to ship or take an animal, skin or pelt to a point outside the Province or to have it sent to a tanner or taxidermist to be dressed, plucked or treated.

Rev. Stat.,
c. 353, s. 7,
cl. b, re-
enacted.

3.—(1) Clause b of section 7 of *The Game and Fisheries Act* as amended by subsection 1 of section 4 of *The Game and Fisheries Amendment Act, 1938*, is repealed and the following substituted therefor:

Deer, moose,
north of
Lake
Nipissing,
French and
Mattawa
Rivers.

(b) any deer or moose in that part of Ontario lying south of the main line of the Canadian National Railway (formerly the Grand Trunk Pacific Railway) from Quebec to the Manitoba boundary and north of the Mattawa River, Lake Nipissing and the French River to the intersection of the latter with the Toronto-Sudbury branch of the Canadian Pacific Railway near Bigwood; thence following the line of the Toronto-Sudbury branch of the Canadian Pacific Railway and the main line of the Canadian Pacific Railway to its intersection with the northern boundary of Morse Township in the District of Sudbury; thence westerly along the northerly boundaries of the Townships of Morse and Dennis and the southerly boundaries of the Townships of Alton, Jasper, Durban, Ethel, Comox, Y, 5A, 5B, 5C, 5D, 5E and 5F to the southwest angle of 5F Township;

thence northerly along the westerly boundaries of Townships 5F, 6F and 7F to the northwest angle of 7F Township; thence westerly along the southerly boundaries of Townships SG, SH, 22 range 15 and 23 range 15 to the southwest angle of the District of Sudbury; thence southerly along the westerly boundary of block 23, range 14, to the southeast angle of block 24, range 15; thence westerly along the southerly boundaries of blocks 24, 25, 26, 27, 28 and 29, range 15, to Lake Superior, except from the 15th day of October to the 25th day of November, provided that the provisions of this clause shall not apply to moose in those parts of Ontario described in the following subclauses,—

- (i) That portion of Ontario bounded on the north by the road running east from Westree (on the line of the Canadian National Railway) through Shiningtree, Gowganda and Elk Lake to Highway Number 11 south of Englehart; thence south along Highway Number 11, through Earlton, Thornloe and Hanbury to New Liskeard; thence east and north along the road from New Liskeard to the interprovincial boundary; thence southerly along the interprovincial boundary, Lake Temiskaming and the Ottawa River to the confluence of the Ottawa and Mattawa Rivers; thence westerly along the Mattawa River, Lake Nipissing and the French River to the intersection of the latter with the Toronto-Sudbury branch of the Canadian Pacific Railway near Bigwood; thence northerly along the Toronto-Sudbury branch of the Canadian Pacific Railway to its intersection with the line of the Canadian National Railway south of Wanup, and continuing northerly along the line of the Canadian National Railway from the aforesaid intersection to the point of commencement. Open season
for moose
not to apply.
- (ii) That portion of Ontario bounded on the north by the main line of the Canadian National Railway running east from the Manitoba boundary to Superior Junction; thence southeasterly along the line of the Canadian National Railway from Superior Junction to Fort William; thence southwesterly along the north shore of Lake Superior to the mouth of the Pigeon River; thence westerly along the International Boundary from the mouth

of the Pigeon River to the Manitoba boundary at the North West Angle Inlet of the Lake of the Woods; thence northerly along the Manitoba boundary from the North West Angle Inlet of the Lake of the Woods to the point of commencement.

Rev. Stat.,
c. 353, s. 7,
cl. *d*, re-
enacted.

(2) Clause *d* of the said section 7 is repealed and the following substituted therefor:

Deer,
certain
counties and
townships;

(*d*) any deer in the Counties of Brant, Bruce, Carleton, Dufferin, Dundas, Durham, Elgin, Essex, Glengarry, Grenville, Grey, Haldimand, Halton, Huron, Kent, Lambton, Leeds, Lincoln, Middlesex, Norfolk, Northumberland, Oxford, Peel, Perth, Prince Edward, Simcoe, Stormont, Waterloo, Welland, Wellington, Wentworth and York, the Township of Howe Island in the County of Frontenac, the Townships of Scott and Brock and all townships lying south thereof in the County of Ontario and the Township of Cambridge in the County of Russell, at any time;

parts of
Parry Sound
and
Nipissing;

(*dd*) any deer in those parts of the Districts of Parry Sound and Nipissing lying within the area which is bounded as follows—commencing at the Town of Parry Sound, thence easterly along the line of the Canadian National Railway which passes through the Town of Kearney to the westerly boundary of Algonquin Park; thence northerly and following the boundary of Algonquin Park to the easterly boundary of the Township of Cameron; thence northerly along the easterly boundary of the said township to the Ottawa River; thence westerly along the southerly shore of the Ottawa and Mattawa Rivers, Lake Nipissing and the French River to the Georgian Bay; thence southerly along the shore of the Georgian Bay to the Town of Parry Sound, except for a period of sixteen days from and including the Monday nearest to the 1st day of November.

south of
French and
Mattawa
Rivers and
Lake
Nipissing.

(*ddd*) any deer in that part of Ontario lying south of the French and Mattawa Rivers and Lake Nipissing and not included in those parts of Ontario described in clauses *d* and *dd*, except for a period of sixteen days from and including the Monday nearest to the 8th day of November.

Rev. Stat.,
c. 353, s. 10,
subs. 4,
amended.

4. Subsection 4 of section 10 of *The Game and Fisheries Act* is amended by striking out the words "farmers residing and hunting on their own lands" in the fourth and fifth lines and inserting in lieu thereof the words "a farmer or his sons

residing and hunting on the lands of such farmer", so that the said subsection shall now read as follows:

- (4) Every resident who uses any firearm or air gun for the purpose of hunting or shooting any bird or animal except under the authority of a license, shall be guilty of an offence against this Act, but this subsection shall not apply to a farmer or his sons residing and hunting on the lands of such farmer, and in all actions and prosecutions under this subsection, possession of any firearm or air gun shall be *prima facie* evidence that the person in possession thereof was hunting or shooting such birds or animals, provided that such license shall not be sufficient authority to use or carry a rifle of greater calibre or projective power than the rifle commonly known as a "twenty-two calibre low-powered rifle" during the open season for deer or moose in areas which such animals inhabit or in which they are usually found.
- Use of firearms without license prohibited.
Proviso.

5. Subsection 3 of section 15 of *The Game and Fisheries Act* as enacted by section 6 of *The Game and Fisheries Amendment Act, 1938*, is repealed and the following substituted therefor:

Rev. Stat., c. 353, s. 15, subs. 3, (1938, c. 13, s. 6), re-enacted.

- (3) For the purposes of this section,

- (a) "tourist outfitter" shall mean any person who owns or operates a camp and maintains or provides directly or indirectly for the accommodation and use of tourists any boat, canoe, tent, sleeping bag, blanket, utensil or other article used or required for angling, hunting or camping or supplies or provides licensed guides;
- (b) "camp" shall mean a dwelling, lodge, cabin, tent, houseboat, or other temporary or permanent structure used as sleeping quarters; and
- (c) "tourist" shall mean a guest, tenant, club member or any other person who pays directly or indirectly for accommodation or services rendered at a camp.
- "tourist outfitter";
"tourist".

6. Section 17 of *The Game and Fisheries Act* is amended by inserting after the word "nets" in the second line the words "hoop nets, pound nets or seine nets", so that the said section shall now read as follows:

Rev. Stat., c. 353, s. 17, amended.

Nets.

17. It shall be unlawful for any person to buy, sell, or be in possession of gill nets, hoop nets, pound nets or seine nets without the authority of a license or permit.

Rev. Stat.,
c. 353, s. 24,
cl. a,
amended.

7. Clause *a* of section 24 of *The Game and Fisheries Act* is amended by striking out the words "during the months of April and May" in the eleventh and twelfth lines and inserting in lieu thereof the words and figures "from the 1st day of April to the 15th day of June", and by adding at the end thereof the words "provided that for any hunting authorized by this license it shall be unlawful for a licensee to use a shot-gun or a rifle commonly known as a twenty-two calibre low-powered or rim fire rifle", so that the said clause shall now read as follows:

Non-resident
hunting
licenses.

(a) to non-residents and the fees and licenses shall be,—

\$15—for license to hunt and shoot bear, game birds and rabbits, together with a fee of fifty cents for the issuing of same;

\$25—for license to hunt and shoot deer, bear, game birds and rabbits, together with a fee of seventy-five cents for the issuing of same;

\$40—for license to hunt and shoot moose, deer, bear, game birds and rabbits, together with a fee of \$1 for the issuing of same;

\$5—for license to hunt and shoot bear from the 1st day of April to the 15th day of June together with a fee of twenty-five cents for the issuing thereof; provided that for any hunting authorized by this license it shall be unlawful for a licensee to use a shot-gun or a rifle commonly known as a twenty-two calibre low-powered, or rim fire rifle.

Rev. Stat.,
c. 353, s. 29,
amended.

8. Section 29 of *The Game and Fisheries Act* as amended by section 1 of *The Game and Fisheries Amendment Act, 1939*, is further amended by striking out all the words after the word "pelt" in the eighth line of subsection 1 down to and including the word and figures "Wolverine. 40" in the twenty-fifth line and by numbering the remaining portion of the said subsection 1 as subsection 1*a*.

Rev. Stat.,
c. 353, s. 35,
subs. 6,
repealed.

9. Subsection 6 of section 35 of *The Game and Fisheries Act* is repealed.

Rev. Stat.,
c. 353,
amended.

10. *The Game and Fisheries Act* is amended by adding thereto the following section:

35*a*.—(1) It shall be unlawful,—

(a) for the owner of any dog to use or permit such dog to be used in any manner for the taking ^{Dogs,—restriction of.} or killing of any mink, beaver or otter;

(b) for the owner of any dog commonly known as a greyhound, or any cross breed thereof, to permit such dog to pursue game or run at large on Sunday in any area where game is usually found; or

(c) for the owner of any dog to permit such dog to molest or follow upon the track of any wild game bird or disturb the nest of any such bird during the months of April, May, June or July, except in any field trial approved by the Department.

(2) In this section "owner" shall include any person ^{"Owner",—what to include.} having a dog in his possession or charge or under his control.

11.—(1) Section 40 of *The Game and Fisheries Act* is ^{Rev. Stat., c. 353, s. 40, amended.} amended by adding thereto the following subsection:

(1a) No person or persons having in his or their possession any device capable of throwing or casting rays of light upon an object shall have in his or their possession during the period between one-half hour after sunset and one-half hour before sunrise any rifle or other fire-arm capable of killing deer or moose unless such rifle or other fire-arm is unloaded and encased or dismantled. ^{Device for casting rays.}

(2) Subsection 2 of the said section 40 as amended by subsection 1 of section 2 of *The Game and Fisheries Amendment Act, 1939*, is repealed and the following substituted therefor: ^{Rev. Stat., c. 353, s. 40, subs. 2, re-enacted.}

(2) It shall be unlawful for any person to use snares for any purpose in the Counties of Carleton, Dundas, Durham, Frontenac, Glengarry, Grenville, Halton, Hastings, Lanark, Leeds, Lennox and Addington, Northumberland, Ontario, Peel, Peterborough, Stormont, Victoria and York. ^{Use of snares in certain counties prohibited.}

(3) Subsection 5 of the said section 40 as enacted by section 8 of *The Game and Fisheries Amendment Act, 1938*, and amended by subsection 2 of section 2 of *The Game and Fisheries Amendment Act, 1939*, is repealed and the following substituted therefor: ^{Rev. Stat., c. 353, s. 40, subs. 5, (1938, c. 13, s. 8), re-enacted.}

(5) It shall be unlawful for any person to hunt, kill or destroy more than six cotton tail rabbits in any one ^{Cotton tail rabbits.}

day in the Counties of Elgin, Essex, Haldimand, Kent, Lambton, Lincoln, Middlesex, Oxford, Waterloo, Welland, Wentworth and York.

Rev. Stat.,
c. 353, s. 40,
subs. 6
(1938,
c. 13, s. 8),
re-enacted.

(4) Subsection 6 of the said section 40 as enacted by section 8 of *The Game and Fisheries Amendment Act, 1938*, and amended by subsection 3 of section 2 of *The Game and Fisheries Amendment Act, 1939*, is repealed and the following substituted therefor:

Prohibition
against
selling, etc.,
cotton tail
rabbits.

(6) It shall be unlawful for any person to sell, offer for sale, purchase or barter, or to be concerned in the sale, purchase or barter of any cotton tail rabbits in the Counties of Elgin, Essex, Haldimand, Kent, Lambton, Lincoln, Middlesex, Oxford, Waterloo, Welland, Wentworth and York.

Rev. Stat.,
c. 353, s. 41
(1939,
c. 16, s. 3),
amended.

12. Section 41 of *The Game and Fisheries Act* as re-enacted by section 3 of *The Game and Fisheries Amendment Act, 1939*, is amended by adding thereto the following subsection:

Shooting
from or
across the
King's
Highway.

(2) It shall be unlawful for any person to discharge any air-gun, gun or other firearm from or across the King's Highway.

Rev. Stat.,
c. 353, s. 59,
subs. 1
(1939,
c. 16, s. 7,
subs. 1),
amended.

13. Subsection 1 of section 59 of *The Game and Fisheries Act* as re-enacted by subsection 1 of section 7 of *The Game and Fisheries Amendment Act, 1939*, is amended by striking out the word "and" in the sixth line and by adding after the word "geese" in the sixth line the words "and additional small game animals and birds not in excess of the numbers authorized to be killed or taken by this Act or the regulations in respect of which special open seasons may be provided", so that the said subsection shall now read as follows:

Exporting
deer, etc.,
by holders
of non-
resident
licenses.

(1) It shall be unlawful for any non-resident, entitled to hunt or shoot in Ontario by virtue of a license under this Act, to export in any one open season game actually and lawfully killed by him in excess of the following: one deer, one bull-moose or caribou, bears or bear pelts, one hundred ducks, fifty geese and additional small game animals and birds not in excess of the numbers authorized to be killed or taken by this Act or the regulations in respect of which special open seasons may be provided.

Short title.

14. This Act may be cited as *The Game and Fisheries Amendment Act, 1944*.

1st Reading

March 29th, 1944

2nd Reading

April 3rd, 1944

3rd Reading

April 5th, 1944

MR. DUNBAR

No. 78

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Department of Municipal Affairs Act.

MR. DUNBAR

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 78

1944

BILL

An Act to amend The Department of Municipal Affairs Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 59,
amended.

1. *The Department of Municipal Affairs Act* is amended by adding thereto the following section:

Repairs,
etc.

43a. Where land is vested in a municipality under section 43, any expenditure necessary to keep the land in a proper state of repair or to insure the same may be made by the treasurer and the amount thereof with interest as provided in section 147 of *The Assessment Act* may be added to the amount required to redeem the land, provided that the treasurer has sent by registered mail at least one month before making such expenditure a notice containing particulars of the proposed expenditure and an estimate of the cost thereof to the last known address of the assessed owner of the land and to all persons appearing by the records of the registry or land titles office and the sheriff's office to have an interest therein.

Rev. Stat.,
c. 272.

Proviso.

Commence-
ment of Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

3. This Act may be cited as *The Department of Municipal Affairs Amendment Act, 1944*.

EXPLANATORY NOTE

This provision is new. Power to repair and insure is considered necessary as the period during which redemption may be made is extended indefinitely under *The Tax Sales Confirmation Acts of 1943 and 1944*.

Municipal Affairs Act.

1st Reading

March 29th, 1944

2nd Reading

3rd Reading

MR. DUNBAR

No. 78

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Department of Municipal Affairs Act.

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An Act to amend The Department of Municipal Affairs Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 59,
amended.

1. *The Department of Municipal Affairs Act* is amended by adding thereto the following section:

Repairs,
etc.

43a. Where land is vested in a municipality under section 43, any expenditure necessary to keep the land in a proper state of repair or to insure the same may be made by the treasurer and the amount thereof with interest as provided in section 147 of *The Assessment Act* may be added to the amount required to redeem the land, provided that the treasurer has sent by registered mail at least one month before making such expenditure a notice containing particulars of the proposed expenditure and an estimate of the cost thereof to the last known address of the assessed owner of the land and to all persons appearing by the records of the registry or land titles office and the sheriff's office to have an interest therein.

Rev. Stat.,
c. 272.

Proviso.

Commence-
ment of Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

3. This Act may be cited as *The Department of Municipal Affairs Amendment Act, 1944*.

1st Reading

March 29th, 1944

2nd Reading

March 30th, 1944

3rd Reading

April 5th, 1944

MR. DUNBAR

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Municipal Drainage Act.

MR. DUNBAR

BILL

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 278, s. 5,
subs. 2,
re-enacted.

1.—(1) Subsection 2 of section 5 of *The Municipal Drainage Act* is repealed and the following substituted therefor:

Apportion-
ment.

(2) Where a lot or a portion of a lot or subdivision assessed by the engineer or surveyor has been sold since the final revision of the assessment, the owner of the portion so sold or the owner of the remaining portion may give notice to the clerk of the municipality that he requires such assessment to be apportioned between the present owners thereof and the engineer or surveyor shall in making such apportionment have regard to the lot or part of the lot or subdivision affected and shall make such apportionment in writing and the same shall be filed with the clerk and attached by him to the original assessment and such apportionment shall be binding on the lands assessed and the rate shall thereafter be levied and collected accordingly.

Rev. Stat.,
c. 278, s. 5,
amended.

(2) The said section 5 is further amended by adding thereto the following subsection:

Subsequent
connections
with drain-
age work.

(4) Where an owner of lands adjoining a drainage work subsequently connects the lands with the work for the purpose of drainage, the engineer or surveyor shall assess the owner for a just proportion of the work regard being had to any compensation paid such owner in respect of the work and thereupon every owner assessed for the work shall be given a proportionate reduction in the charges assessed against his land.

Rev. Stat.,
c. 278, s. 24,
re-enacted.

2. Section 24 of *The Municipal Drainage Act* is repealed and the following substituted therefor:

EXPLANATORY NOTES

SECTION 1—Subsection 1. The present subsection provides that the township engineer shall make the apportionment. To accord with the scheme of the Act the apportionment should be made by the engineer or surveyor. The section as re-enacted is clarified in this and other respects.

Subsection 2. This provision is new. It is self-explanatory.

SECTION 2. Under the present section the specified documents may be served personally instead of by publication in a local newspaper. Under the section as re-enacted service by registered mail is substituted for personal service.

Service by
registered
mail in lieu
of publica-
tion.

24. The council may at its option, instead of proceeding under section 23, by resolution direct that a copy of the by-law, the notice of the sitting of the court of revision and notice as to proceedings to quash be sent by registered mail to the last known address of each of the assessed owners or their lessees or the occupants of their lands or the agents of such owners, and a statutory declaration shall be made by the person effecting such service showing the date and manner thereof and the declarant shall file the declaration with the clerk of the municipality.

Rev. Stat.,
c. 278, s. 86,
subs. 1,
amended.

3. Subsection 1 of section 86 of *The Municipal Drainage Act* is amended by inserting after the word "work" in the eighth line the words "and for keeping the embankment thereof in repair", so that the said subsection shall now read as follows:

Appoint-
ment of
commis-
sioners to
operate
works.

- (1) For the better maintenance of drainage work by embanking, pumping or other mechanical operations, the council of the municipality initiating the work may pass by-laws appointing a commissioner or commissioners who shall have power to enter into all necessary and proper contracts for the purchase of fuel, erection or repairs of buildings, and purchase and repairs of machinery, and to do all other things necessary for successfully operating such drainage work and for keeping the embankment thereof in repair, as may be set forth in the by-law appointing them, and the council may pass by-laws for defraying the annual cost of maintaining and operating the work by assessment upon the lands and roads in any way liable to assessment under the provisions of this Act.

Short title.

4. This Act may be cited as *The Municipal Drainage Amendment Act, 1944*.

SECTION 3. The words added are self-explanatory.

Drainage Act.

1st Reading

March 29th, 1944

2nd Reading

3rd Reading

MR. DUNBAR

No. 79

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Municipal Drainage Act.

MR. DUNBAR

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Municipal Drainage Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 278, s. 5,
subs. 2,
re-enacted.

1.—(1) Subsection 2 of section 5 of *The Municipal Drainage Act* is repealed and the following substituted therefor:

Apportion-
ment.

- (2) Where a lot or a portion of a lot or subdivision assessed by the engineer or surveyor has been sold since the final revision of the assessment, the owner of the portion so sold or the owner of the remaining portion may give notice to the clerk of the municipality that he requires such assessment to be apportioned between the present owners thereof and the engineer or surveyor shall in making such apportionment have regard to the lot or part of the lot or subdivision affected and shall make such apportionment in writing and the same shall be filed with the clerk and attached by him to the original assessment and such apportionment shall be binding on the lands assessed and the rate shall thereafter be levied and collected accordingly.

Rev. Stat.,
c. 278, s. 5,
amended.

- (2) The said section 5 is further amended by adding thereto the following subsection:

Subsequent
connections
with drain-
age work.

- (4) Where an owner of lands adjoining a drainage work subsequently connects the lands with the work for the purpose of drainage, the engineer or surveyor shall assess the owner for a just proportion of the work regard being had to any compensation paid such owner in respect of the work and thereupon every owner assessed for the work shall be given a proportionate reduction in the charges assessed against his land.

Rev. Stat.,
c. 278, s. 24,
re-enacted.

2. Section 24 of *The Municipal Drainage Act* is repealed and the following substituted therefor:

24. The council may at its option, instead of proceeding under section 23, by resolution direct that a copy of the by-law, the notice of the sitting of the court of revision and notice as to proceedings to quash be sent by registered mail to the last known address of each of the assessed owners or their lessees or the occupants of their lands or the agents of such owners, and a statutory declaration shall be made by the person effecting such service showing the date and manner thereof and the declarant shall file the declaration with the clerk of the municipality.

3. Subsection 1 of section 86 of *The Municipal Drainage Act* is amended by inserting after the word "work" in the eighth line the words "and for keeping the embankment thereof in repair", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 278, s. 86,
subs. 1,
amended.

- (1) For the better maintenance of drainage work by embanking, pumping or other mechanical operations, the council of the municipality initiating the work may pass by-laws appointing a commissioner or commissioners who shall have power to enter into all necessary and proper contracts for the purchase of fuel, erection or repairs of buildings, and purchase and repairs of machinery, and to do all other things necessary for successfully operating such drainage work and for keeping the embankment thereof in repair, as may be set forth in the by-law appointing them, and the council may pass by-laws for defraying the annual cost of maintaining and operating the work by assessment upon the lands and roads in any way liable to assessment under the provisions of this Act.

Appointment of
commissioners to
operate
works.

4. This Act may be cited as *The Municipal Drainage Amendment Act, 1944*.

Short title.

1st Reading

March 29th, 1944

2nd Reading

March 30th, 1944

3rd Reading

April 5th, 1944

MR. DUNBAR

No. 80

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Public Utilities Act.

MR. DUNBAR

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Public Utilities Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 286, s. 31,
re-enacted.

1. Section 31 of *The Public Utilities Act* is repealed and the following substituted therefor:

Excess of
receipts over
expenditures
to be paid
to municipal
treasurer.

31.—(1) Notwithstanding anything contained in *The Municipal Act*, the receipts arising from supplying any public utility or from property connected with the utility, after providing for the expenditures incurred for the maintenance and operations of the utility, shall, quarterly or oftener if the council so directs, be paid over to the treasurer of the municipality and shall be placed to the credit of the utility in a separate account until the debentures and other forms of capital debt have been retired and thereafter shall form part of the general funds of the municipality.

Application
of receipts.

(2) Where debentures or other forms of capital debt are outstanding in any year against the utility, the treasurer of the municipality shall apply the receipts paid over under subsection 1 in payment of the amount required to be levied under any debenture by-law of the municipality for the construction, extension or improvement of the utility, or with the approval of the council or the Department of Municipal Affairs,—

- (a) in payment of temporary advances required for current expenditures pending the collection of revenue; or
- (b) in the reduction of any indebtedness incurred with respect to the works and equipment of the utility; or
- (c) in the maintenance, repair, renewal or extension of the utility; or

EXPLANATORY NOTE

The provisions of sections 31 and 44 of *The Public Utilities Act*, which deal with the disposition of surplus revenues of a public utility, overlap and are inconsistent. They are therefore repealed and re-enacted as the new section 31. The new section deals specifically with the purposes for which such funds may be applied. A new section is added to the Act by section 2 of the Bill to provide for the payment over to the treasurer of the municipality by an electrical utility to meet payments when due on debentures issued for the utility by the municipal corporation.

(d) in establishing a reserve fund to be used at any future time for any purpose mentioned in this subsection.

Where levy
of rate
necessary.

- (3) It shall not be necessary to levy any rate to provide for sinking fund and interest or other payments on account of any debentures issued by the municipality for the construction, extension or improvement of the utility, except to the extent to which the receipts paid over under subsection 1 are insufficient to meet the annual payments falling due on account of principal and interest of the debentures.

Electric
utilities
excepted.

- (4) This section shall not apply to any electrical public utility for which electrical power and energy are supplied by The Hydro-Electric Power Commission of Ontario.

Rev. Stat.,
c. 286,
amended.

2. *The Public Utilities Act* is amended by adding thereto the following section:

Electrical
utilities.

- 31a. The receipts arising from supplying an electrical public utility for which electrical power and energy are supplied by The Hydro-Electric Power Commission of Ontario or from property connected with the utility after providing for the expenditures incurred for the maintenance and operation of the utility and any payments required by *The Power Commission Act* shall, quarterly or oftener if the council so directs, be paid over to the treasurer of the municipality to the extent and in such amounts as are necessary to provide for any payments required to be made on account of principal or interest of any debentures issued for the construction and equipment of works for the distribution of electrical power and energy, and it shall not be necessary to levy any rate to provide for sinking fund and interest or other payments on account of any debentures issued by the municipality for the construction, extension or improvement of such utility, except to the extent to which the receipts paid over hereunder are insufficient to meet the annual payments falling due on account of principal and interest of the debentures.

Rev. Stat.,
c. 286, s. 44,
repealed.

3. Section 44 of *The Public Utilities Act* is repealed.

Short title.

4. This Act may be cited as *The Public Utilities Amendment Act, 1944*.

1st Reading

March 29th, 1944

2nd Reading

3rd Reading

MR. DUNBAR

No. 80

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

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TORONTO
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An Act to amend The Public Utilities Act.

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Rev. Stat.,
c. 286, s. 31,
re-enacted.

1. Section 31 of *The Public Utilities Act* is repealed and the following substituted therefor:

Excess of
receipts over
expenditures
to be paid
to municipal
treasurer.

- 31.—(1) Notwithstanding anything contained in *The Municipal Act*, the receipts arising from supplying any public utility or from property connected with the utility, after providing for the expenditures incurred for the maintenance and operations of the utility, shall, quarterly or oftener if the council so directs, be paid over to the treasurer of the municipality and shall be placed to the credit of the utility in a separate account until the debentures and other forms of capital debt have been retired and thereafter shall form part of the general funds of the municipality.

Application
of receipts.

- (2) Where debentures or other forms of capital debt are outstanding in any year against the utility, the treasurer of the municipality shall apply the receipts paid over under subsection 1 in payment of the amount required to be levied under any debenture by-law of the municipality for the construction, extension or improvement of the utility, or with the approval of the council or the Department of Municipal Affairs,—
 - (a) in payment of temporary advances required for current expenditures pending the collection of revenue; or
 - (b) in the reduction of any indebtedness incurred with respect to the works and equipment of the utility; or
 - (c) in the maintenance, repair, renewal or extension of the utility; or

(d) in establishing a reserve fund to be used at any future time for any purpose mentioned in this subsection.

- (3) It shall not be necessary to levy any rate to provide for sinking fund and interest or other payments on account of any debentures issued by the municipality for the construction, extension or improvement of the utility, except to the extent to which the receipts paid over under subsection 1 are insufficient to meet the annual payments falling due on account of principal and interest of the debentures. Where levy of rate necessary.
- (4) This section shall not apply to any electrical public utility for which electrical power and energy are supplied by The Hydro-Electric Power Commission of Ontario. Electric utilities excepted.

2. *The Public Utilities Act* is amended by adding thereto the following section: Rev. Stat., c. 286, amended.

- 31a. The receipts arising from supplying an electrical public utility for which electrical power and energy are supplied by The Hydro-Electric Power Commission of Ontario or from property connected with the utility after providing for the expenditures incurred for the maintenance and operation of the utility and any payments required by *The Power Commission Act* shall, quarterly or oftener if the council so directs, be paid over to the treasurer of the municipality to the extent and in such amounts as are necessary to provide for any payments required to be made on account of principal or interest of any debentures issued for the construction and equipment of works for the distribution of electrical power and energy, and it shall not be necessary to levy any rate to provide for sinking fund and interest or other payments on account of any debentures issued by the municipality for the construction, extension or improvement of such utility, except to the extent to which the receipts paid over hereunder are insufficient to meet the annual payments falling due on account of principal and interest of the debentures. Electrical utilities. Rev. Stat., c. 62.

3. Section 44 of *The Public Utilities Act* is repealed.

Rev. Stat., c. 286, s. 44, repealed.

4. This Act may be cited as *The Public Utilities Amendment Act, 1944*. Short title.

1st Reading

March 29th, 1944

2nd Reading

March 30th, 1944

3rd Reading

April 5th, 1944

MR. DUNBAR

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Apprenticeship Act.

MR. DALEY

BILL

 An Act to amend The Apprenticeship Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 192, s. 3,
subs. 1,
amended.

1. Subsection 1 of section 3 of *The Apprenticeship Act* is amended by inserting after the word "employers" in the second line the words "or employees" and by striking out the word "direct" in the sixth line and inserting in lieu thereof the word "require", so that the said subsection shall now read as follows:

Petition to
have trade
included in
Schedule
A or B.

- (1) Upon receiving a petition signed by at least twenty-five employers or employees in any trade or by not less than twenty per centum of such employers where the total number in the Province does not exceed one hundred and twenty-five, asking to have such trade added to Schedule A or B as the petition may set forth, the Board shall require the Director to inquire into the matter of the petition and he shall make such investigation as may be deemed necessary to determine whether or not such trade shall be added to Schedule A or B.

Rev. Stat.,
c. 192, s. 15,
subs. 1,
amended.

2. Subsection 1 of section 15 of *The Apprenticeship Act* is amended by adding thereto the following clause:

- (bb) requiring all persons engaged in any designated trade, other than registered apprentices, to hold a current certificate of qualification, and prohibiting the employment in any designated trade of persons who have not complied with this requirement, but a regulation passed under this clause shall not apply to a person who within two years of the coming into force of the regulation satisfies the Provincial Advisory Committee that at the date of the coming into force of such regulation he had been engaged in

EXPLANATORY NOTES

SECTION 1. The amendment provides that employees may petition to have a trade designated under *The Apprenticeship Act*.

SECTION 2. The amendment permits the Industry and Labour Board, with the approval of the Lieutenant-Governor in Council, to prevent the employment in any designated trade of persons other than registered apprentices and holders of certificates of qualification, but any such regulation shall not affect a person who has been engaged in the trade for a period equal to the apprenticeship period and who applies for recognition of this fact within two years of the coming into force of the regulation.

the trade for a period equal to the apprenticeship period.

Short title.

3. This Act may be cited as *The Apprenticeship Amendment Act, 1944*.

1st Reading

March 29th, 1944

2nd Reading

3rd Reading

MR. DALEY

No. 81

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Apprenticeship Act.

MR. DALEY

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Apprenticeship Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 192, s. 3,
subs. 1,
amended.

1. Subsection 1 of section 3 of *The Apprenticeship Act* is amended by inserting after the word "employers" in the second line the words "or employees" and by striking out the word "direct" in the sixth line and inserting in lieu thereof the word "require", so that the said subsection shall now read as follows:

Petition to
have trade
included in
Schedule
A or B.

(1) Upon receiving a petition signed by at least twenty-five employers or employees in any trade or by not less than twenty per centum of such employers or employees where the total number in the Province does not exceed one hundred and twenty-five, asking to have such trade added to Schedule A or B as the petition may set forth, the Board shall require the Director to inquire into the matter of the petition and he shall make such investigation as may be deemed necessary to determine whether or not such trade shall be added to Schedule A or B.

Rev. Stat.,
c. 192, s. 15,
subs. 1,
amended.

2. Subsection 1 of section 15 of *The Apprenticeship Act* is amended by adding thereto the following clause:

(bb) requiring all persons engaged in any designated trade, other than registered apprentices, to hold a current certificate of qualification, and prohibiting the employment in any designated trade of persons who have not complied with this requirement, but a regulation passed under this clause shall not apply to a person who within two years of the coming into force of the regulation satisfies the Provincial Advisory Committee that at the date of the coming into force of such regulation he had been engaged in

the trade for a period equal to the apprenticeship period.

3. This Act may be cited as *The Apprenticeship Amendment* ^{Short title.}
Act, 1944.

1st Reading

March 29th, 1944

2nd Reading

April 3rd, 1944

3rd Reading

April 5th, 1944

MR. DALEY

No. 82

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act respecting the Practice of Chiropractic.

MR. SCOTT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the Practice of Chiropody.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpreta-
tion,—

1. In this Act,—

“Board”;

(a) “Board” shall mean Board of Regents appointed under this Act;

“chiropo-
dist”;

(b) “chiropodist” shall mean a person other than a duly qualified medical practitioner who practises or advertises or holds himself out in any way as practising the treatment of any ailment, disease, defect or disability of the human foot; and

“regula-
tions”.

(c) “regulations” shall mean regulations made under the authority of this Act.

Board of
Regents
established.

2.—(1) There shall be established a board to be known as the Board of Regents to be composed of five persons to be appointed by the Lieutenant-Governor in Council.

Term of
office.

(2) Of the members of the Board first appointed, two shall hold office for a period of two years and three shall hold office for a period of one year, and thereafter every member appointed shall hold office for a period of two years, but any member shall be eligible for reappointment at the expiration of his term of office.

Vacancies.

(3) Every vacancy on the Board caused by the death, resignation or incapacity of a member shall be filled by the appointment of a person to hold office for the remainder of the term of such member.

Chairman,
vice-chair-
man and
secretary-
treasurer.

(4) The Lieutenant-Governor in Council shall designate from time to time one of the members to be chairman, one to be vice-chairman and one to be secretary-treasurer of the Board.

EXPLANATORY NOTES

GENERAL. The Bill has for its purpose the regulation of the practice of chiropody in Ontario. Its form and provisions follow closely those of *The Drugless Practitioners Act* which now governs the practice of chiropody and of other classes of drugless practitioners.

SECTION 1 defines chiropodist and other terms used in the Act.

SECTION 2 provides for the establishment of a Board of Regents similar to that functioning under *The Drugless Practitioners Act*.

Regulations. **3.** The Board with the approval of the Lieutenant-Governor in Council may make regulations,—

- (a) for the admission of chiropodists to practise in Ontario and for the registration of all persons so admitted;
- (b) prescribing the qualifications of persons so to be admitted and the proofs to be furnished as to education and good character;
- (c) for maintaining a register of persons so admitted to practise and providing for the annual renewal of registration and prescribing the fees payable thereon;
- (d) prescribing the discipline and control of registered chiropodists;
- (e) for designating the manner in which any person registered under this Act may describe his qualification or occupation and prohibiting the use of any title, affix or prefix which in the opinion of the Board is calculated to mislead the public as to the qualification of any such person and for allowing the use of any affix or prefix not forbidden by section 49 of *The Medical Act* which in the opinion of the Board will correctly describe the qualification or occupation of such person;
- (f) for the investigation of any complaint that a registered chiropodist has been guilty of misconduct or displayed such ignorance or incompetence as to render it desirable in the public interest that his registration should be cancelled or suspended;
- (g) for the cancellation or suspension of the registration of any person found by the Board to be guilty of misconduct or to have been ignorant or incompetent;
- (h) generally for the better carrying out of the provisions of this Act.

Rev. Stat.,
c. 225.

4. Nothing in this Act or the regulations shall authorize any chiropodist

- (a) to administer any drug internally or to prescribe any drug for use internally;
- (b) to administer an anesthetic other than a local anesthetic;

Act not to
authorize
general
practice of
medicine.

SECTION 3 provides for the making of regulations which will be necessary for the due administration of the Act.

SECTION 4 restricts the functions which a chiropodist may perform.

(c) to treat constitutional diseases of the bones, muscles or ligaments;

(d) to practice medicine, surgery or midwifery;

but nothing herein contained shall prevent the treatment by a licensed chiropodist of the morbid conditions of the nails and skin and minor morbid conditions of the sub-cutaneous tissues of the human foot.

Penalty for
unauthorized
practice.

5. Every person who, not being registered as a chiropodist under this Act or who having been so registered and whose registration has been cancelled or is under suspension, practises or holds himself out as practising as a chiropodist within the meaning of this Act, or who advertises or uses or affixes any prefix to his name signifying that he is qualified to practise as a chiropodist within the meaning of this Act shall be guilty of an offence and shall incur a penalty, to be recoverable under *The Summary Convictions Act*, not exceeding \$100 and upon conviction for a subsequent offence within a period of two years after such first conviction shall be imprisoned for a period not exceeding three months.

Rev. Stat.,
c. 136.

Proof of
registration.

6.—(1) In all cases where proof of registration under this Act is required to be made, the production of a printed or other copy of the register, certified under the hand of the secretary-treasurer of the Board, shall be sufficient evidence of all persons who are registered chiropodists in lieu of the production of the original register, and any certificate upon such printed or other copy of the register purported to be signed by any person in his capacity of secretary-treasurer of the Board under this Act, shall be *prima facie* evidence that such person is the secretary-treasurer without any proof of his signature or of his being in fact the secretary-treasurer.

Evidence
of non-
registration.

(2) The absence of the name of any person from such copy shall be *prima facie* evidence that such person is not registered according to the provisions of this Act.

Omission of
name from
copy.

(3) In the case of any person whose name does not appear in such copy, a certified copy under the hand of the secretary-treasurer of the entry of the name of such person on the register shall be evidence that such person is registered under the provisions of this Act.

Saving,

7. Nothing in this Act contained shall apply to or affect,—

practising
under other
Acts;

(a) the practice of any profession or calling by any person practising the same under the authority of any general or special Act of this Legislature;

SECTION 5 provides penalties for the unauthorized practice of chiropody

SECTION 6 relates to proof of registration.

SECTION 7 exempts certain persons and situations from the operation of the Act.

- nurses; (b) any nurse acting in the absence of, or under the prescription or direction of a legally qualified medical practitioner;
- first aid; (c) the furnishing of first aid or temporary assistance in cases of emergency;
- treating by prayer. (d) persons treating human ailments by prayer or spiritual means as an enjoyment or exercise of religious freedom.

Compliance with other statutes not affected.

Rev. Stat., cc. 299, 300, 88.

Penalties, how recoverable. Rev. Stat., c. 136.

Short title.

8. Nothing in this Act or the regulations shall be taken or deemed to relieve any person from compliance with the provisions of *The Public Health Act* or *The Vaccination Act* or any amendment to either of them, or from compliance with the provisions of *The Vital Statistics Act* or any amendment thereto or from any legal duty to provide for the treatment of any person by a legally qualified medical practitioner.

9. Penalties imposed by or under the authority of this Act shall be recoverable under *The Summary Convictions Act*.

11. This Act may be cited as *The Chiropractic Act, 1944*.

SECTION 8 clarifies the effect of the Act upon the necessity for compliance with other Acts therein indicated.

SECTION 9 provides for the recovery of the penalties provided by section 5.

1st Reading

March 30th, 1944

2nd Reading

3rd Reading

Mr. Scott

No. 82

1ST SESSION, 21ST LÉGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act respecting the Practice of Chiropody.

MR. SCOTT

(Reprinted as amended by the Committee on Legal Bills.)

TORONTO
PRINTED BY T. E. BOWMAN
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BILL

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Interpreta-
tion,—

1. In this Act,—

“Board”;

(a) “Board” shall mean Board of Regents appointed under this Act;

“chiropo-
dist”;

(b) “chiropodist” shall mean a person other than a duly qualified medical practitioner who practises or advertises or holds himself out in any way as practising the treatment of any ailment, disease, defect or disability of the human foot; and

“regula-
tions”.

(c) “regulations” shall mean regulations made under the authority of this Act.

Board of
Regents
established.

2.—(1) There shall be established a board to be known as the Board of Regents to be composed of five persons to be appointed by the Lieutenant-Governor in Council.

Term of
office.

(2) Of the members of the Board first appointed, two shall hold office for a period of two years and three shall hold office for a period of one year, and thereafter every member appointed shall hold office for a period of two years, but any member shall be eligible for reappointment at the expiration of his term of office.

Vacancies.

(3) Every vacancy on the Board caused by the death, resignation or incapacity of a member shall be filled by the appointment of a person to hold office for the remainder of the term of such member.

Chairman,
vice-chair-
man and
secretary-
treasurer.

(4) The Lieutenant-Governor in Council shall designate from time to time one of the members to be chairman, one to be vice-chairman and one to be secretary-treasurer of the Board.

EXPLANATORY NOTES

GENERAL. The Bill has for its purpose the regulation of the practice of chiropody in Ontario. Its form and provisions follow closely those of *The Drugless Practitioners Act* which now governs the practice of chiropody and of other classes of drugless practitioners.

SECTION 1 defines chiropodist and other terms used in the Act.

SECTION 2 provides for the establishment of a Board of Regents similar to that functioning under *The Drugless Practitioners Act*.



Regulations. 3. The Board with the approval of the Lieutenant-Governor in Council may make regulations,—

- (a) for the admission of chiropodists to practise in Ontario and for the registration of all persons so admitted;
- (b) prescribing the qualifications of persons so to be admitted and the proofs to be furnished as to education and good character;
- (c) for maintaining a register of persons so admitted to practise and providing for the annual renewal of registration and prescribing the fees payable thereon;
- (d) prescribing the discipline and control of registered chiropodists;
- (e) for designating the manner in which any person registered under this Act may describe his qualification or occupation and prohibiting the use of any title, affix or prefix which in the opinion of the Board is calculated to mislead the public as to the qualification of any such person and for allowing the use of any affix or prefix not forbidden by section 49 of *The Medical Act* which in the opinion of the Board will correctly describe the qualification or occupation of such person;
- (f) for the investigation of any complaint that a registered chiropodist has been guilty of misconduct or displayed such ignorance or incompetence as to render it desirable in the public interest that his registration should be cancelled or suspended;
- (g) for the cancellation or suspension of the registration of any person found by the Board to be guilty of misconduct or to have been ignorant or incompetent;
- (h) generally for the better carrying out of the provisions of this Act.

Rev. Stat.,
c. 225.

Act not to
authorize
general
practice of
medicine.

4. Nothing in this Act or the regulations shall authorize any chiropodist

- (a) to administer any drug internally or to prescribe any drug for use internally;
- (b) to administer an anesthetic other than a substance applied externally to the skin; or

SECTION 3 provides for the making of regulations which will be necessary for the due administration of the Act.

SECTION 4 restricts the functions which a chiropodist may perform.

(c) to practice medicine, surgery or midwifery;

but nothing herein contained shall prevent the treatment by a registered chiropodist of the morbid conditions of the nails and skin and resulting minor morbid conditions of the subcutaneous tissues of the human foot.

Penalty for
unauthorized
practice.

5. Every person who, not being registered as a chiropodist under this Act or who having been so registered and whose registration has been cancelled or is under suspension, practises or holds himself out as practising as a chiropodist within the meaning of this Act, or who advertises or uses or affixes any prefix to his name signifying that he is qualified to practise as a chiropodist within the meaning of this Act shall be guilty of an offence and shall incur a penalty, to be recoverable under *The Summary Convictions Act*, not exceeding \$100 and upon conviction for a subsequent offence within a period of two years after such first conviction shall be imprisoned for a period not exceeding three months.

Rev. Stat.,
c. 136.

Proof of
registration.

6.—(1) In all cases where proof of registration under this Act is required to be made, the production of a printed or other copy of the register, certified under the hand of the secretary-treasurer of the Board, shall be sufficient evidence of all persons who are registered chiropodists in lieu of the production of the original register, and any certificate upon such printed or other copy of the register purported to be signed by any person in his capacity of secretary-treasurer of the Board under this Act, shall be *prima facie* evidence that such person is the secretary-treasurer without any proof of his signature or of his being in fact the secretary-treasurer.

Evidence
of non-
registration.

(2) The absence of the name of any person from such copy shall be *prima facie* evidence that such person is not registered according to the provisions of this Act.

Omission of
name from
copy.

(3) In the case of any person whose name does not appear in such copy, a certified copy under the hand of the secretary-treasurer of the entry of the name of such person on the register shall be evidence that such person is registered under the provisions of this Act.

Saving,

7. Nothing in this Act contained shall apply to or affect,—

practising
under other
Acts;

(a) the practice of any profession or calling by any person practising the same under the authority of any general or special Act of this Legislature;

SECTION 5 provides penalties for the unauthorized practice of chiropody.

SECTION 6 relates to proof of registration.

SECTION 7 exempts certain persons and situations from the operation of the Act.

- nurses; (b) any nurse acting in the absence of, or under the prescription or direction of a legally qualified medical practitioner;
- first aid; (c) the furnishing of first aid or temporary assistance in cases of emergency;
- treating by prayer. (d) persons treating human ailments by prayer or spiritual means as an enjoyment or exercise of religious freedom.

Compliance with other statutes not affected.

Rev. Stat., cc. 299, 300, 88.

Penalties, how recoverable. Rev. Stat., c. 136.

Short title.

8. Nothing in this Act or the regulations shall be taken or deemed to relieve any person from compliance with the provisions of *The Public Health Act* or *The Vaccination Act* or any amendment to either of them, or from compliance with the provisions of *The Vital Statistics Act* or any amendment thereto or from any legal duty to provide for the treatment of any person by a legally qualified medical practitioner.

9. Penalties imposed by or under the authority of this Act shall be recoverable under *The Summary Convictions Act*.

10. This Act may be cited as *The Chiropody Act, 1944*.

SECTION 8 clarifies the effect of the Act upon the necessity for compliance with other Acts therein indicated.

SECTION 9 provides for the recovery of the penalties provided by section 5.

1st Reading

March 30th, 1944

2nd Reading

April 3rd, 1944

3rd Reading

MR. SCOTT

*(Reprinted as amended by the Committee
on Legal Bills.)*

No. 82

1ST SESSION, 21ST LEGISLATURE, ONTARIO
& GEORGE VI, 1944

BILL

An Act respecting the Practice of Chiropody.

MR. SCOTT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the Practice of Chiropody.

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Interpreta-
tion,—

1. In this Act,—

"Board";

(a) "Board" shall mean Board of Regents appointed under this Act;

"chiropo-
dist";

(b) "chiropodist" shall mean a person other than a duly qualified medical practitioner who practises or advertises or holds himself out in any way as practising the treatment of any ailment, disease, defect or disability of the human foot; and

"regula-
tions".

(c) "regulations" shall mean regulations made under the authority of this Act.

Board of
Regents
established.

2.—(1) There shall be established a board to be known as the Board of Regents to be composed of five persons to be appointed by the Lieutenant-Governor in Council.

Term of
office.

(2) Of the members of the Board first appointed, two shall hold office for a period of two years and three shall hold office for a period of one year, and thereafter every member appointed shall hold office for a period of two years, but any member shall be eligible for reappointment at the expiration of his term of office.

Vacancies.

(3) Every vacancy on the Board caused by the death, resignation or incapacity of a member shall be filled by the appointment of a person to hold office for the remainder of the term of such member.

Chairman,
vice-chair-
man and
secretary-
treasurer.

(4) The Lieutenant-Governor in Council shall designate from time to time one of the members to be chairman, one to be vice-chairman and one to be secretary-treasurer of the Board.

3. The Board with the approval of the Lieutenant-Governor ^{Regulations} in Council may make regulations,—

- (a) for the admission of chiropodists to practise in Ontario and for the registration of all persons so admitted;
- (b) prescribing the qualifications of persons so to be admitted and the proofs to be furnished as to education and good character;
- (c) for maintaining a register of persons so admitted to practise and providing for the annual renewal of registration and prescribing the fees payable thereon;
- (d) prescribing the discipline and control of registered chiropodists;
- (e) for designating the manner in which any person registered under this Act may describe his qualification or occupation and prohibiting the use of any title, affix or prefix which in the opinion of the Board is calculated to mislead the public as to the qualification of any such person and for allowing the use of any affix or prefix not forbidden by section 49 of *The Medical Act* which in the opinion of the ^{Rev. Stat., c. 225.} Board will correctly describe the qualification or occupation of such person;
- (f) for the investigation of any complaint that a registered chiropodist has been guilty of misconduct or displayed such ignorance or incompetence as to render it desirable in the public interest that his registration should be cancelled or suspended;
- (g) for the cancellation or suspension of the registration of any person found by the Board to be guilty of misconduct or to have been ignorant or incompetent;
- (h) generally for the better carrying out of the provisions of this Act.

4. Nothing in this Act or the regulations shall authorize any chiropodist ^{Act not to authorize general practice of medicine.}

- (a) to administer any drug internally or to prescribe any drug for use internally;
- (b) to administer an anesthetic other than a substance applied externally to the skin; or

(c) to practice medicine, surgery or midwifery;

but nothing herein contained shall prevent the treatment by a registered chiropodist of the morbid conditions of the nails and skin and resulting minor morbid conditions of the subcutaneous tissues of the human foot.

Penalty for
unauthorized
practice.

5. Every person who, not being registered as a chiropodist under this Act or who having been so registered and whose registration has been cancelled or is under suspension, practises or holds himself out as practising as a chiropodist within the meaning of this Act, or who advertises or uses or affixes any prefix to his name signifying that he is qualified to practise as a chiropodist within the meaning of this Act shall be guilty of an offence and shall incur a penalty, to be recoverable under *The Summary Convictions Act*, not exceeding \$100 and upon conviction for a subsequent offence within a period of two years after such first conviction shall be imprisoned for a period not exceeding three months.

Rev. Stat.,
c. 136.

Proof of
registration.

6.—(1) In all cases where proof of registration under this Act is required to be made, the production of a printed or other copy of the register, certified under the hand of the secretary-treasurer of the Board, shall be sufficient evidence of all persons who are registered chiropodists in lieu of the production of the original register, and any certificate upon such printed or other copy of the register purported to be signed by any person in his capacity of secretary-treasurer of the Board under this Act, shall be *prima facie* evidence that such person is the secretary-treasurer without any proof of his signature or of his being in fact the secretary-treasurer.

Evidence
of non-
registration.

(2) The absence of the name of any person from such copy shall be *prima facie* evidence that such person is not registered according to the provisions of this Act.

Omission of
name from
copy.

(3) In the case of any person whose name does not appear in such copy, a certified copy under the hand of the secretary-treasurer of the entry of the name of such person on the register shall be evidence that such person is registered under the provisions of this Act.

Saving.

7. Nothing in this Act contained shall apply to or affect,—

practising
under other
Acts;

(a) the practice of any profession or calling by any person practising the same under the authority of any general or special Act of this Legislature;

- (b) any nurse acting in the absence of, or under the ^{nurses;} prescription or direction of a legally qualified medical practitioner;
- (c) the furnishing of first aid or temporary assistance in ^{first aid;} cases of emergency;
- (d) persons treating human ailments by prayer or ^{treating by} spiritual means as an enjoyment or exercise of ^{prayer.} religious freedom.

8. Nothing in this Act or the regulations shall be taken or Compliance with other statutes not affected.
 deemed to relieve any person from compliance with the provisions of *The Public Health Act* or *The Vaccination Act* or any amendment to either of them, or from compliance with the provisions of *The Vital Statistics Act* or any amendment thereto or from any legal duty to provide for the treatment of any person by a legally qualified medical practitioner.

Rev. Stat.,
cc. 299,
300, 88.

9. Penalties imposed by or under the authority of this Act shall be recoverable under *The Summary Convictions Act*.

Penalties,
how re-
coverable.
Rev. Stat.,
c. 136.

10. This Act may be cited as *The Chiropody Act, 1944*.

Short title.

1st Reading

March 30th, 1944

2nd Reading

April 3rd, 1944

3rd Reading

April 5th, 1944

Mr. Scott

No. 83

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Legislative Assembly Act.

MR. BELANGER

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 83

1944

BILL

An Act to amend The Legislative Assembly Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 12, s. 9,
subs. 2,
amended

1. Subsection 2 of section 9 of *The Legislative Assembly Act* as amended by subsection 1 of section 4 of *The Statute Law Amendment Act, 1939 (No. 2)* is further amended by adding thereto the following clause:

(dd) any person holding any temporary employment in the service of the Dominion of Canada during the period of the war between Canada and Germany and Japan.

Short title.

2. This Act may be cited as *The Legislative Assembly Amendment Act, 1944*.

EXPLANATORY NOTE

The amendment permits a member of the Legislative Assembly to hold temporary employment in the service of the Dominion of Canada during the period of the war.

1st Reading

March 30th, 1944

2nd Reading

3rd Reading

MR. BELANGER

No. 83

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Legislative Assembly Act.

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Rev. Stat.,
c. 12, s. 9,
subs. 2,
amended

1. Subsection 2 of section 9 of *The Legislative Assembly Act* as amended by subsection 1 of section 4 of *The Statute Law Amendment Act, 1939* (No. 2) is further amended by adding thereto the following clause:

(dd) any person holding any temporary employment in the service of the Dominion of Canada during the period of the war between Canada and Germany and Japan.

Short title.

2. This Act may be cited as *The Legislative Assembly Amendment Act, 1944*.

1st Reading

March 30th, 1944

2nd Reading

April 3rd, 1944

3rd Reading

April 5th, 1944

MR. BELANGER

No. 84

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Workmen's Compensation Act.

MR. STRANGE

BILL

An Act to amend The Workmen's Compensation Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

Rev. Stat.,
c. 204, s. 115,
subss. 11, 13,
repealed.

1. Subsection 11 of section 115 of *The Workmen's Compensation Act* as amended by subsection 2 of section 5 of *The Workmen's Compensation Amendment Act, 1939*, and subsection 13 of the said section 115 are repealed

1942,
c. 37, s. 10,
amended.

2. Section 10 of *The Workmen's Compensation Act, 1942*, is amended by striking out the words and figures "subsections 1, 2 and 5" in the fourth line and inserting in lieu thereof the word and figure "subsection 5", and by striking out the word and figure "subsection 3" in the sixth line and inserting in lieu thereof the words and figures "subsections 1, 2 and 3" so that the said section shall now read as follows:

Commence-
ment of Act.

10. This Act shall come into force on the day upon which it receives the Royal Assent; section 4 shall apply only to accidents happening on or after the 1st day of July, 1943; subsection 5 of section 6 shall apply only to accidents happening on or after the day upon which this Act receives the Royal Assent; and subsections 1, 2 and 3 of section 6 shall apply without regard to the date of the accident.

Short title.

3. This Act may be cited as *The Workmen's Compensation Amendment Act, 1944*.

EXPLANATORY NOTES

SECTION 1. The provision that requires a person making a claim in respect of silicosis to apply for compensation within five years of employment in the industry where he was exposed to silica dust, is repealed. So also is the provision which prevents a claim for compensation in respect of silicosis from being made unless there has been exposure to silica dust covering a period of five years.

SECTION 2. The rate of compensation payable in case of death to a widow or invalid husband was increased by *The Workmen's Compensation Act, 1943*, such increased rates to be payable in respect of accidents happening after the coming into force of that Act. The amendment provides that the increased rates will be payable in respect of all accidents without regard to date.

1st Reading

March 30th, 1944

2nd Reading

3rd Reading

MR. STRANGE

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to provide for the Establishment of the
Ontario Stock Yards Board.

MR. DREW

BILL

An Act to provide for the Establishment of the
Ontario Stock Yards Board.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

Interpre-
tation,—

1. In this Act,—

“Board”;

(a) “Board” shall mean Ontario Stock Yards Board;

“land”;

(b) “land” shall include any estate, term, easement,
right or interest in, to, over or affecting land;

“manager”;

(c) “manager” shall mean manager appointed under this
Act;

“Minister”;

(d) “Minister” shall mean Minister of Agriculture; and

“regula-
tions”.

(e) “regulations” shall mean regulations made under this
Act.

Ontario
Stock Yards
Board.

2.—(1) There shall be a board to be known as the “Ontario
Stock Yards Board” which shall be a body corporate and the
Board shall have a corporate seal in the form prescribed by
the regulations.

Members
of Board.

(2) The Board shall consist of not more than seven persons
appointed by the Lieutenant-Governor in Council.

Chairman;
vice-
chairman.

(3) The Lieutenant-Governor in Council may appoint one
of the members of the Board to be chairman and one of the
members to be vice-chairman.

Quorum.

(4) A majority of the members of the Board shall constitute
a quorum.

Allowances
and
expenses.

(5) The members of the Board shall receive such fees and
expenses as the Lieutenant-Governor in Council may deter-
mine and any member of the Board who is charged with the
performance of any special services may be paid such additional

EXPLANATORY NOTES

GENERAL. The Act provides for the establishment of the Ontario Stock Yards Board. The establishment of the Board is provided for in section 2; the appointment of officials and employees in section 3; its objects in section 4, and certain powers in section 5.

remuneration therefor as the Lieutenant-Governor in Council may determine.

Officers.

3.—(1) Subject to the approval of the Lieutenant-Governor in Council, the Board may appoint a manager of any stock yard which it operates and such officers as may be prescribed by the regulations and fix their remuneration and the appointment of any person as a manager or other officer shall not disqualify him from acting as chairman, vice-chairman or a member of the Board.

Remuneration.

Employees.

(2) Subject to the approval of the Board, the manager of a stock yard may appoint such employees as he deems necessary and fix their salaries or other remuneration.

Objects of Board.

4. The objects of the Board shall be to,—

(a) acquire, construct, equip and operate livestock markets and acquire and operate such facilities for the transportation of livestock as may be necessary for the purposes of such markets; and

(b) do such other acts as may be necessary or expedient for the carrying out of its operations and undertakings,

Rev. Stat.,
c. 251.

and the Board shall have the objects and powers set out in section 24 of *The Companies Act*.

Acquiring
land, etc.

5.—(1) Subject to the approval of the Lieutenant-Governor in Council, the Board,—

(a) shall have power to acquire by purchase, lease or in any other manner or without the consent of the owner thereof to enter upon, take possession of, expropriate and use,

(i) the land, property, assets and undertakings of Union Stock Yards of Toronto, Limited;

(ii) the land, property, assets and undertakings of any other stock yards;

(iii) any other land or property which it may deem necessary for its undertakings, and

(b) shall have and may exercise and enjoy in addition to the powers conferred by this Act, all the powers conferred upon the Minister of Public Works in relation to a public work by *The Public Works Act* and in the application of this section where the words "the Minister", "the Department" or "the Crown" appear in such Act, they shall, where the context permits, mean the Board.

Rev. Stat.,
c. 54.

Mode of
perfecting
title.

(2) Upon the deposit in the proper registry or land titles office of a plan and description of the land acquired by the Board, signed by the chairman of the Board and by an Ontario land surveyor, the land so described shall thereupon become and be vested in the Board.

Procedure.

(3) Except as otherwise provided in this Act the Board shall, in the exercise of its compulsory powers authorized by this section, proceed in the manner provided by *The Public Works Act* where the Minister of Public Works takes land or property for the use of Ontario, and all the provisions of that Act with respect to the fixing, payment and application of compensation shall *mutatis mutandis* apply.

Exercise
of powers
not to be
enjoined.

(4) No action or proceeding of the Board taken pursuant to this section shall be restrained by injunction or process or proceeding in any court.

Treasurer
of Ontario
may
guarantee
securities.

6.—(1) The Lieutenant-Governor in Council may authorize the Treasurer of Ontario for and on behalf of Ontario to guarantee the payment of any securities issued by the Board.

Form of
guarantee.

(2) The form of any such guarantee and the manner of its execution shall be determined by the Lieutenant-Governor in Council.

Application
of moneys.

7.—(1) All moneys received by the Board from the operation of its undertakings or otherwise shall be applied to,—

- (a) operating expenses;
- (b) payment of interest on indebtedness; and
- (c) repayment of principal moneys borrowed.

Surplus
moneys.

(2) Any surplus moneys shall be paid to the Treasurer of Ontario and deposited in the Consolidated Revenue Fund, and shall constitute a fund to be known as the Livestock Improvement Fund appearing on the books of the Treasurer of Ontario as the Livestock Improvement Fund.

Payments
out of Fund.

(3) The Livestock Improvement Fund shall be available for the purpose of the improvement of livestock and for such purpose the Minister may with the approval of the Lieutenant-Governor in Council direct payment out of the Fund of such amounts to such persons or organizations as he may deem proper.

Annual
report of
Board.

8. The Board shall, not later than the 31st day of January in every year, make an annual report to the Minister upon its operations during the preceding year and such report shall be laid before the Assembly as soon as may be.

SECTION 6, relating to government guarantees of securities issued by the Board, is self-explanatory.

SECTION 7 relates to the finances of the Board.

SECTION 8 provides for the making of annual reports by the Board.

Audit.

9. The books and accounts of the Board shall be audited and checked from time to time by the Provincial Auditor or such other auditor as the Lieutenant-Governor in Council may designate and such auditor shall make an annual report to the Treasurer of Ontario.

Authority to sue and be sued.

10. The Board may be sued and may institute or defend proceedings in any court.

Taxation.

11. The real and personal property, business and income of the Board shall be exempt from all assessment and taxation made, imposed or levied by or under the authority of any Act of this Legislature but, with the approval of the Lieutenant-Governor in Council, any land owned by the Board may be made subject to assessment and taxation for municipal and school purposes at the actual value thereof according to the average value of the land in the locality, or at such value as may be agreed upon by the council of the local municipality and the Board.

Operation of stock yards.

12. No person other than the Board shall construct, maintain or operate any stock yard or any premises where livestock is assembled for the purpose of sale either directly or indirectly to an abattoir, packing house or slaughter house except with the approval of the Board, but this section shall not apply to any such stock yard or premises which is being so operated at the time of the coming into force of this Act so long as such stock yard or premises is not extended or enlarged.

Regulations.

13. Subject to the approval of the Lieutenant-Governor in Council, the Minister may make regulations,—

- (a) prescribing the officers of the Board and prescribing the powers and duties of such officers and of any manager.
- (b) prescribing the form of the seal of the Board;
- (c) limiting or regulating the objects and powers of the Board or the exercise thereof;
- (d) prescribing the records, books and accounts to be kept by the Board; and
- (e) generally for the better carrying out of the intent and purpose of this Act.

Commencement of Act.

14. This Act shall come into force on a day, to be named by the Lieutenant-Governor by his Proclamation.

Short title.

15. This Act may be cited as *The Stock Yards Act, 1944*.

SECTION 9 provides for audits.

SECTION 10 removes doubt as to Board's liability to be sued.

SECTION 11 relates to taxation of the Board's property.

SECTION 12 requires the approval of the Board to the operation of stock yards except existing ones.

SECTION 13. The making of regulations necessary for the due administration of the Act is provided for.

SECTION 14. The Act will come into force when proclaimed.

1st Reading

March 31st, 1944

2nd Reading

3rd Reading

MR. DREW

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

**An Act to provide for the Establishment of the
Ontario Stock Yards Board.**

MR. DREW

BILL

An Act to provide for the Establishment of the
Ontario Stock Yards Board.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

Interpre-
tation,—

1. In this Act,—

“Board”;

(a) “Board” shall mean Ontario Stock Yards Board;

“land”;

(b) “land” shall include any estate, term, easement,
right or interest in, to, over or affecting land;

“manager”;

(c) “manager” shall mean manager appointed under this
Act;

“Minister”;

(d) “Minister” shall mean Minister of Agriculture; and

“regula-
tions”.

(e) “regulations” shall mean regulations made under this
Act.

Ontario
Stock Yards
Board.

2.—(1) There shall be a board to be known as the “Ontario
Stock Yards Board” which shall be a body corporate and the
Board shall have a corporate seal in the form prescribed by
the regulations.

Members
of Board.

(2) The Board shall consist of not more than seven persons
appointed by the Lieutenant-Governor in Council.

Chairman;
vice-
chairman.

(3) The Lieutenant-Governor in Council may appoint one
of the members of the Board to be chairman and one of the
members to be vice-chairman.

Quorum.

(4) A majority of the members of the Board shall constitute
a quorum.

Allowances
and
expenses.

(5) The members of the Board shall receive such fees and
expenses as the Lieutenant-Governor in Council may deter-
mine and any member of the Board who is charged with the
performance of any special services may be paid such additional

remuneration therefor as the Lieutenant-Governor in Council may determine.

3.—(1) Subject to the approval of the Lieutenant-Governor Officers. in Council, the Board may appoint a manager of any stock yard which it operates and such officers as may be prescribed by the regulations and fix their remuneration and the appointment of any person as a manager or other officer shall not Remuneration. disqualify him from acting as chairman, vice-chairman or a member of the Board.

(2) Subject to the approval of the Board, the manager of a Employees. stock yard may appoint such employees as he deems necessary and fix their salaries or other remuneration.

4. The objects of the Board shall be to,—

Objects of Board.

- (a) acquire, construct, equip and operate livestock markets and acquire and operate such facilities for the transportation of livestock as may be necessary for the purposes of such markets; and
- (b) do such other acts as may be necessary or expedient for the carrying out of its operations and undertakings,

and the Board shall have the objects and powers set out in section 24 of *The Companies Act*.

Rev. Stat.,
c. 251.

5.—(1) Subject to the approval of the Lieutenant-Governor Acquiring land, etc. in Council, the Board,—

- (a) shall have power to acquire by purchase, lease or in any other manner or without the consent of the owner thereof to enter upon, take possession of, appropriate and use,

- (i) the land, property, assets and undertakings of Union Stock Yards of Toronto, Limited;

- (ii) the land, property, assets and undertakings of any other stock yards;

- (iii) any other land or property which it may deem necessary for its undertakings, and

- (b) shall have and may exercise and enjoy in addition to the powers conferred by this Act, all the powers conferred upon the Minister of Public Works in relation to a public work by *The Public Works Act* Rev. Stat.,
c. 54. and in the application of this section where the words “the Minister”, “the Department” or “the Crown” appear in such Act, they shall, where the context permits, mean the Board.

Mode of perfecting title.

(2) Upon the deposit in the proper registry or land titles office of a plan and description of the land acquired by the Board, signed by the chairman of the Board and by an Ontario land surveyor, the land so described shall thereupon become and be vested in the Board.

Procedure.

(3) Except as otherwise provided in this Act the Board shall, in the exercise of its compulsory powers authorized by this section, proceed in the manner provided by *The Public Works Act* where the Minister of Public Works takes land or property for the use of Ontario, and all the provisions of that Act with respect to the fixing, payment and application of compensation shall *mutatis mutandis* apply.

Exercise of powers not to be enjoined.

(4) No action or proceeding of the Board taken pursuant to this section shall be restrained by injunction, or process or proceeding in any court.

Treasurer of Ontario may guarantee securities.

6.—(1) The Lieutenant-Governor in Council may authorize the Treasurer of Ontario for and on behalf of Ontario to guarantee the payment of any securities issued by the Board.

Form of guarantee.

(2) The form of any such guarantee and the manner of its execution shall be determined by the Lieutenant-Governor in Council.

Application of moneys.

7.—(1) All moneys received by the Board from the operation of its undertakings or otherwise shall be applied to,—

- (a) operating expenses;
- (b) payment of interest on indebtedness; and
- (c) repayment of principal moneys borrowed.

Surplus moneys.

(2) Any surplus moneys shall be paid to the Treasurer of Ontario and deposited in the Consolidated Revenue Fund, and shall constitute a fund to be known as the Livestock Improvement Fund appearing on the books of the Treasurer of Ontario as the Livestock Improvement Fund.

Payments out of Fund.

(3) The Livestock Improvement Fund shall be available for the purpose of the improvement of livestock and for such purpose the Minister may with the approval of the Lieutenant-Governor in Council direct payment out of the Fund of such amounts to such persons or organizations as he may deem proper.

Annual report of Board.

8. The Board shall, not later than the 31st day of January in every year, make an annual report to the Minister upon its operations during the preceding year and such report shall be laid before the Assembly as soon as may be.

9. The books and accounts of the Board shall be audited^{Audit.} and checked from time to time by the Provincial Auditor or such other auditor as the Lieutenant-Governor in Council may designate and such auditor shall make an annual report to the Treasurer of Ontario.

10. The Board may be sued and may institute or defend^{Authority to sue and be sued.} proceedings in any court.

11. The real and personal property, business and income^{Taxation.} of the Board shall be exempt from all assessment and taxation made, imposed or levied by or under the authority of any Act of this Legislature but, with the approval of the Lieutenant-Governor in Council, any land owned by the Board may be made subject to assessment and taxation for municipal and school purposes at the actual value thereof according to the average value of the land in the locality, or at such value as may be agreed upon by the council of the local municipality and the Board.

12. No person other than the Board shall construct,^{Operation of stock yards.} maintain or operate any stock yard or any premises where livestock is assembled for the purpose of sale either directly or indirectly to an abattoir, packing house or slaughter house except with the approval of the Board, but this section shall not apply to any such stock yard or premises which is being so operated at the time of the coming into force of this Act so long as such stock yard or premises is not extended or enlarged.

13. Subject to the approval of the Lieutenant-Governor^{Regulations.} in Council, the Minister may make regulations,—

- (a) prescribing the officers of the Board and prescribing the powers and duties of such officers and of any manager.
- (b) prescribing the form of the seal of the Board;
- (c) limiting or regulating the objects and powers of the Board or the exercise thereof;
- (d) prescribing the records, books and accounts to be kept by the Board; and
- (e) generally for the better carrying out of the intent and purpose of this Act.

14. This Act shall come into force on a day to be named by^{Commencement of Act.} the Lieutenant-Governor by his Proclamation.

15. This Act may be cited as *The Stock Yards Act, 1944.* ^{Short title.}



1st Reading

March 31st, 1944

2nd Reading

April 4th, 1944

3rd Reading

April 5th, 1944

Mr. DREW

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Fire Departments Act.

MR. BLACKWELL

BILL

An Act to amend The Fire Departments Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 282, s. 1,
re-enacted.

1. Section 1 of *The Fire Departments Act* is repealed and the following substituted therefor:

"Permanent
fire depart-
ment",—
meaning of.

Rev. Stat.,
c. 266.

1. In this Act "permanent fire department" shall mean any fire department established by a municipality under the provisions of *The Municipal Act* where the officers and employees, or any of them, are regularly employed by the municipality on a full-time salaried basis but any person who voluntarily acts as a fireman for a nominal consideration or honorarium shall not be deemed to be an officer or employee of a permanent fire department.

Two platoon
system.

1a. Where in any municipality having a population of not less than 10,000 there is a permanent fire department, the officers and employees of which are regularly employed as firemen and paid by the municipal corporation, it shall be the duty of the chief, superintendent or commission, as the case may be, to divide the members of said fire department into two platoons who shall work according to one or other of the two following systems, namely,—

No. 1 System—The said chief of the fire department shall not keep a platoon on duty for more than twenty-four consecutive hours, after which the platoon working the twenty-four hours shall be allowed twenty-four consecutive hours off duty.

No. 2 System—One platoon shall work day work of ten consecutive hours followed immediately by fourteen consecutive hours off duty, while the other platoon shall work night work of fourteen consecutive hours, followed imme-

EXPLANATORY NOTES

SECTION 1. "Permanent fire department" is defined by a new section 1 of the Act. The present section 1 of the Act becomes section 1a. It is amended by changing the phrase "city or town" to read "municipality" so that it will apply to other types of municipalities having a population of not less than 10,000.

The No. 2 System is clarified to avoid evasion of its provisions.

diately by ten consecutive hours off duty, each platoon to alternate every seventh day from night work to day work and *vice versa*.

Rev. Stat.,
c. 282, s. 3,
amended.

2. Section 3 of *The Fire Departments Act* is amended by striking out the words "city, town or village" in the first line and inserting in lieu thereof the word "municipality", so that the said section shall now read as follows:

Weekly
day off
duty.

3. Where in any municipality there is a permanent fire department, the officers and employees of which are regularly employed and paid by the municipal corporation, every officer and employee of such department shall be off duty for one full day of twenty-four hours in every calendar week, but where what is known as "double platoon system" is in operation in any such fire department the twenty-four hours release at the change of platoons shall not be regarded as a day off duty for the purposes of this section.

Short title.

3. This Act may be cited as *The Fire Departments Amendment Act, 1944*.

SECTION 2. The phrase "city, town or village" is altered to read "municipality" to make it consistent with the amendment made by section 1 of the Bill.

BILL

An Act to amend The Fire Departments
Act.

1st Reading

March 31st, 1944

2nd Reading

3rd Reading

MR. BLACKWELL

No. 86

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Fire Departments Act.

MR. BLACKWELL

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Fire Departments Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 282, s. 1,
re-enacted.

1. Section 1 of *The Fire Departments Act* is repealed and the following substituted therefor:

"Permanent
fire department",—
meaning of.

Rev. Stat.,
c. 266.

1. In this Act "permanent fire department" shall mean any fire department established by a municipality under the provisions of *The Municipal Act* where the officers and employees, or any of them, are regularly employed by the municipality on a full-time salaried basis but any person who voluntarily acts as a fireman for a nominal consideration or honorarium shall not be deemed to be an officer or employee of a permanent fire department.

Two platoon
system.

1a. Where in any municipality having a population of not less than 10,000 there is a permanent fire department, the officers and employees of which are regularly employed as firemen and paid by the municipal corporation, it shall be the duty of the chief, superintendent or commission, as the case may be, to divide the members of said fire department into two platoons who shall work according to one or other of the two following systems, namely,—

No. 1 System—The said chief of the fire department shall not keep a platoon on duty for more than twenty-four consecutive hours, after which the platoon working the twenty-four hours shall be allowed twenty-four consecutive hours off duty.

No. 2 System—One platoon shall work day work of ten consecutive hours followed immediately by fourteen consecutive hours off duty, while the other platoon shall work night work of fourteen consecutive hours, followed imme-

diately by ten consecutive hours off duty, each platoon to alternate every seventh day from night work to day work and *vice versa*.

2. Section 3 of *The Fire Departments Act* is amended by Rev. Stat., c. 282, s. 3, amended. striking out the words "city, town or village" in the first line and inserting in lieu thereof the word "municipality", so that the said section shall now read as follows:

3. Where in any municipality there is a permanent Weekly day off duty. fire department, the officers and employees of which are regularly employed and paid by the municipal corporation, every officer and employee of such department shall be off duty for one full day of twenty-four hours in every calendar week, but where what is known as "double platoon system", is in operation in any such fire department the twenty-four hours release at the change of platoons shall not be regarded as a day off duty for the purposes of this section.

3. This Act may be cited as *The Fire Departments Amendment Act, 1944*. Short title.

BILL

An Act to amend The Fire Departments
Act.

1st Reading

March 31st, 1944

2nd Reading

April 3rd, 1944

3rd Reading

April 5th, 1944

MR. BLACKWELL.

No. 87

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Fire Marshals Act.

MR. BLACKWELL

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Fire Marshals Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 329,
amended.

1. *The Fire Marshals Act* is amended by adding thereto the following section:

Powers of
Fire
Marshal.

13a. The Fire Marshal, Deputy Fire Marshal or any district deputy fire marshal, inspector or municipal fire chief shall have power,—

- (a) to enter and examine any premises on which a fire has occurred or on which he has reason to believe there may be any substance or device likely to cause a fire;
- (b) to close any such premises and to prevent entry thereon by any other person for such period as may be required to complete the examination of the premises; and
- (c) to remove from any such premises and to retain and examine any article or material which in his opinion may be of assistance in connection with any matter under investigation.

Rev. Stat.,
c. 329, s. 20,
subs. 1,
amended.

2.—(1) Subsection 1 of section 20 of *The Fire Marshals Act* is amended by striking out the words “a district deputy fire marshal or an assistant or inspector” in the first and second lines and inserting in lieu thereof the words “Deputy Fire Marshal, a district deputy fire marshal, an inspector or an assistant to the Fire Marshal”, so that the said subsection shall now read as follows:

Inspection
of buildings
and pre-
mises.

- (1) Subject to the regulations, the Fire Marshal, Deputy Fire Marshal, a district deputy fire marshal, an inspector or an assistant to the Fire Marshal may, upon the complaint of any person interested, or

EXPLANATORY NOTES

SECTION 1. A section 13a is added to *The Fire Marshals Act* to remove doubt as to the right of officials to enter premises on which a fire has occurred or on which they have reason to believe there may be any substance or device likely to cause a fire, and to permit such officials to close the premises for the purposes of their investigation and to remove articles or material which may be of assistance in the investigation.

SECTION 2—Subsection 1. Subsection 1 of section 20 of *The Fire Marshals Act* is revised so as to render the list of officials upon whom it confers power consistent with other like provisions of the Act.



when he deems it necessary so to do, without such complaint, inspect all buildings and premises within his jurisdiction, and for such purpose may at all reasonable hours enter into and upon such buildings and premises for the purpose of examination, taking with him, if necessary, a peace officer or such other assistance as he may deem proper.

Rev. Stat.,
c. 329, s. 20,
amended.

(2) The said section 20 is amended by adding thereto the following subsection:

Removal of
buildings.

(2a) The Fire Marshal, Deputy Fire Marshal, a district deputy fire marshal, an inspector or an assistant to the Fire Marshal may order the removal from any building not being of fire resistive construction or being within fifty feet of any hospital, school, church, theatre or any other place of public assembly or any hotel, apartment house or multiple occupancy dwelling, of any process of manufacture or other occupancy which because of the danger of fire or explosion is especially hazardous to life or property or may order that any such premises shall not be used for any such process or occupancy.

Rev. Stat.,
c. 329, s. 20,
subs. 3,
amended.

(3) Subsection 3 of the said section 20 is amended by inserting after the figure "2" at the end of the fourth line the words, figure and letter "or subsection 2a", so that the said subsection shall now read as follows:

Appeal to
Fire
Marshal
from order
of sub-
ordinate.

(3) If the occupant or owner of any such buildings or premises deems himself aggrieved by any order made by an officer other than the Fire Marshal made under this section, then in case the order is made under clause *a* of subsection 2 or subsection 2a, the person aggrieved may appeal within ten days from the making of the order to the Fire Marshal, who shall examine such order and affirm, modify or revoke the same and cause a copy of his decision to be served upon the party appealing.

Rev. Stat.,
c. 329, s. 20,
subs. 7,
amended.

(4) Subsection 7 of the said section 20 is amended by inserting after the figure "2" in the second line the words, figure and letter "or subsection 2a", so that the said subsection shall now read as follows:

Penalties.

(7) Every person who fails to obey an order made under clause *a* of subsection 2 or subsection 2a after the time allowed for appeal therefrom has elapsed, shall incur a penalty of not less than \$10 in all and not exceeding \$100 for every day during which such default continues, and every person who fails to

Subsection 2. Additional power is given to officials under the Act to order the removal from certain buildings of certain types of occupancy which present fire hazards.

Subsections 3 and 4—These are complementary to the preceding subsections.

obey an order made under clause *b* or clause *c* of subsection 2 shall incur a penalty of not less than \$10 in all and not exceeding \$20 for each day upon which such default continues.

Rev. Stat.,
c. 329, s. 20,
amended.

(5) The said section 20 is further amended by adding thereto the following subsection:

Minor
alterations
and repairs.

- (10) If the owner of a building or premises is absent from or does not reside within the municipality in which such building or premises is situate, or his whereabouts in the municipality is unknown, the Fire Marshal, Deputy Fire Marshal, a district deputy fire marshal, an inspector or an assistant to the Fire Marshal may order the tenant or occupant to make minor alterations or repairs which are urgently required for purposes of fire prevention and the tenant or occupant may deduct the cost of such alterations or repairs from any rent thereafter payable on furnishing the owner with a copy of the order and an accounting of the amount deducted but a tenant or occupant shall not be required to expend or expend in any year an amount in excess of ten per centum of the annual rental payable in respect of such tenancy or occupancy.

Rev. Stat.,
c. 329,
s. 21,
amended.

5. Section 21 of *The Fire Marshals Act* is amended by adding thereto the following subsection:

Regulations.

- (2) The Lieutenant-Governor in Council may make regulations providing for licensing and regulating the manufacture, sale, servicing and recharging of fire extinguishers.

Short title.

4. This Act may be cited as *The Fire Marshals Amendment Act, 1944*.

Subsection 5. This subsection authorizes certain officials under the Act to require a tenant to make certain limited alterations and repairs and to deduct the cost thereof from the rental which he pays.

SECTION 3. A new subsection 2 is added to section 21 of *The Fire Marshals Act* to authorize the Lieutenant-Governor in Council to make regulations providing for licensing and regulating the manufacture, sale, servicing and recharging of fire extinguishers.

An Act to amend The Fire Marshals Act.

1st Reading

March 31st, 1944

2nd Reading

3rd Reading

MR. BLACKWELL

No. 87

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Fire Marshals Act.

MR. BLACKWELL

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Fire Marshals Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 329,
amended.

1. *The Fire Marshals Act* is amended by adding thereto the following section:

Powers of
Fire
Marshal.

13a. The Fire Marshal, Deputy Fire Marshal or any district deputy fire marshal, inspector or municipal fire chief shall have power,—

- (a) to enter and examine any premises on which a fire has occurred or on which he has reason to believe there may be any substance or device likely to cause a fire;
- (b) to close any such premises and to prevent entry thereon by any other person for such period as may be required to complete the examination of the premises; and
- (c) to remove from any such premises and to retain and examine any article or material which in his opinion may be of assistance in connection with any matter under investigation.

Rev. Stat.,
c. 329, s. 20,
subs. 1,
amended.

2.—(1) Subsection 1 of section 20 of *The Fire Marshals Act* is amended by striking out the words “a district deputy fire marshal or an assistant or inspector” in the first and second lines and inserting in lieu thereof the words “Deputy Fire Marshal, a district deputy fire marshal, an inspector or an assistant to the Fire Marshal”, so that the said subsection shall now read as follows:

Inspection
of buildings
and pre-
mises.

- (1) Subject to the regulations, the Fire Marshal, Deputy Fire Marshal, a district deputy fire marshal, an inspector or an assistant to the Fire Marshal may, upon the complaint of any person interested, or

when he deems it necessary so to do, without such complaint, inspect all buildings and premises within his jurisdiction, and for such purpose may at all reasonable hours enter into and upon such buildings and premises for the purpose of examination, taking with him, if necessary, a peace officer or such other assistance as he may deem proper.

(2) The said section 20 is amended by adding thereto the following subsection: Rev. Stat., c. 329, s. 20, amended.

(2a) The Fire Marshal, Deputy Fire Marshal, a district deputy fire marshal, an inspector or an assistant to the Fire Marshal may order the removal from any building not being of fire resistive construction or being within fifty feet of any hospital, school, church, theatre or any other place of public assembly or any hotel, apartment house or multiple occupancy dwelling, of any process of manufacture or other occupancy which because of the danger of fire or explosion is especially hazardous to life or property or may order that any such premises shall not be used for any such process or occupancy. Removal of buildings.

(3) Subsection 3 of the said section 20 is amended by inserting after the figure "2" at the end of the fourth line the words, figure and letter "or subsection 2a", so that the said subsection shall now read as follows: Rev. Stat., c. 329, s. 20, subs. 3, amended.

(3) If the occupant or owner of any such buildings or premises deems himself aggrieved by any order made by an officer other than the Fire Marshal made under this section, then in case the order is made under clause *a* of subsection 2 or subsection 2a, the person aggrieved may appeal within ten days from the making of the order to the Fire Marshal, who shall examine such order and affirm, modify or revoke the same and cause a copy of his decision to be served upon the party appealing. Appeal to Fire Marshal from order of subordinate.

(4) Subsection 7 of the said section 20 is amended by inserting after the figure "2" in the second line the words, figure and letter "or subsection 2a", so that the said subsection shall now read as follows: Rev. Stat., c. 329, s. 20, subs. 7, amended.

(7) Every person who fails to obey an order made under clause *a* of subsection 2 or subsection 2a after the time allowed for appeal therefrom has elapsed, shall incur a penalty of not less than \$10 in all and not exceeding \$100 for every day during which such default continues, and every person who fails to Penalties.

obey an order made under clause *b* or clause *c* of subsection 2 shall incur a penalty of not less than \$10 in all and not exceeding \$20 for each day upon which such default continues.

Rev. Stat.,
c. 329, s. 20,
amended.

(5) The said section 20 is further amended by adding thereto the following subsection:

Minor
alterations
and repairs.

- (10) If the owner of a building or premises is absent from or does not reside within the municipality in which such building or premises is situate, or his whereabouts in the municipality is unknown, the Fire Marshal, Deputy Fire Marshal, a district deputy fire marshal, an inspector or an assistant to the Fire Marshal may order the tenant or occupant to make minor alterations or repairs which are urgently required for purposes of fire prevention and the tenant or occupant may deduct the cost of such alterations or repairs from any rent thereafter payable on furnishing the owner with a copy of the order and an accounting of the amount deducted but a tenant or occupant shall not be required to expend or expend in any year an amount in excess of ten per centum of the annual rental payable in respect of such tenancy or occupancy.

Rev. Stat.,
c. 329,
s. 21,
amended.

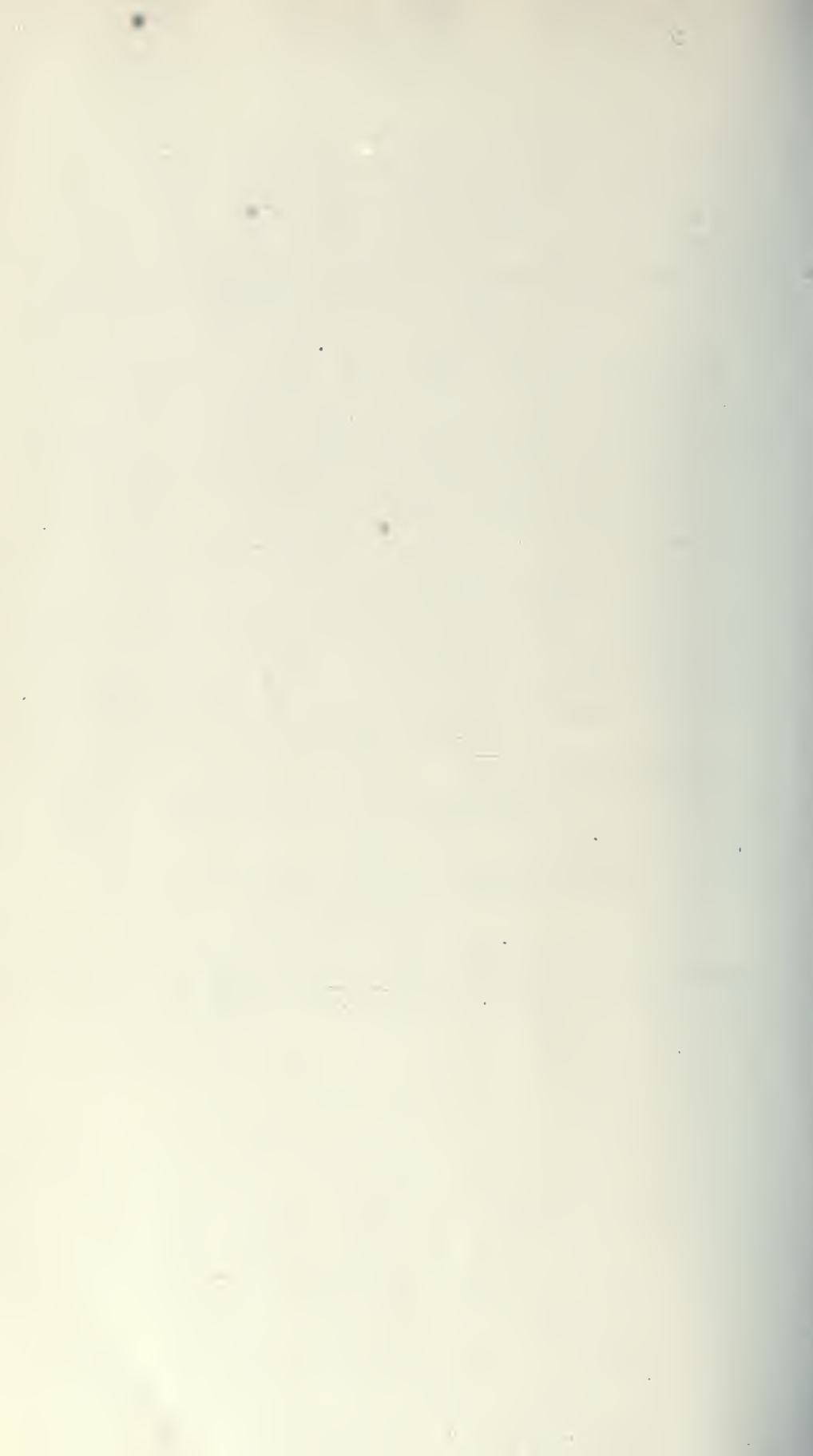
3. Section 21 of *The Fire Marshals Act* is amended by adding thereto the following subsection:

Regulations.

- (2) The Lieutenant-Governor in Council may make regulations providing for licensing and regulating the manufacture, sale, servicing and recharging of fire extinguishers.

Short title.

4. This Act may be cited as *The Fire Marshals Amendment Act, 1944*.



1st Reading

March 31st, 1944

2nd Reading

April 3rd, 1944

3rd Reading

April 5th, 1944

MR. BLACKWELL

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Children of Unmarried Parents Act.

MR. VIVIAN

No. 88

1944

BILL

An Act to amend The Children of Unmarried Parents Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 217,
amended.

1. *The Children of Unmarried Parents Act* is amended by adding thereto the following section:

Evidence.

26a.—(1) The judge shall have the power of summoning any person and requiring him to give evidence on oath and to produce such documents and things as may be requisite and shall have the same power to enforce the attendance of witnesses and to compel them to give evidence and produce documents and things as is vested in any court in civil cases.

Witness
fees.

(2) The fees payable to witnesses shall be upon the scale of fees allowed to witnesses in an action in the county court.

Short title.

2. This Act may be cited as *The Children of Unmarried Parents Amendment Act, 1944*.

EXPLANATORY NOTE

The new section removes doubt as to the authority of a judge to require the attendance of witnesses at a hearing under *The Children of Unmarried Parents Act* and prescribes the fees payable.

An Act to amend The Children of
Unmarried Parents Act.

1st Reading

March 31st, 1944

2nd Reading

3rd Reading

MR. VIVIAN

No. 88

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Children of Unmarried Parents Act.

MR. VIVIAN

TORONTO
PRINTED BY T. E. BOWMAN
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Witness
fees.

(2) The fees payable to witnesses shall be upon the scale of fees allowed to witnesses in an action in the county court.

Short title.

2. This Act may be cited as *The Children of Unmarried Parents Amendment Act, 1944*.

BILL

An Act to amend The Children of
Unmarried Parents Act.

1st Reading

March 31st, 1944

2nd Reading

April 3rd, 1944

3rd Reading

April 5th, 1944

MR. VIVIAN

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Children's Protection Act.

MR. VIVIAN

BILL

An Act to amend The Children's Protection Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

Rev. Stat.,
c. 312, s. 13,
subs. 2,
re-enacted.

1. Subsection 2 of section 13 of *The Children's Protection Act* is repealed and the following substituted therefor:

Society
may place
child in
foster home.

(2) The society may place the child in a foster home during minority, or for any shorter period, upon such terms and conditions as may be agreed upon and every such agreement heretofore or hereafter entered into, whether written or oral, shall be deemed to provide,—

- (a) that the child shall receive an education in accordance with the law of Ontario;
- (b) that the child shall be taught some useful occupation;
- (c) that the child shall receive kind and proper treatment as a member of the family; and
- (d) that the society may at any time withdraw the child from any person having the custody of the child when, in the opinion of the society or the Superintendent, the welfare of the child so requires.

Short title.

2. This Act may be cited as *The Children's Protection Amendment Act, 1944*.

EXPLANATORY NOTE

This amendment clarifies the present subsection by stipulating that certain essential provisions shall be deemed part of every written or oral agreement for the placing of a child in a foster home by a children's aid society.

An Act to amend The Children's
Protection Act.

1st Reading

March 31st, 1944

2nd Reading

3rd Reading

MR. VIVIAN

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Children's Protection Act.

MR. VIVIAN

BILL

An Act to amend The Children's Protection Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

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- (a) that the child shall receive an education in accordance with the law of Ontario;
- (b) that the child shall be taught some useful occupation;
- (c) that the child shall receive kind and proper treatment as a member of the family; and
- (d) that the society may at any time withdraw the child from any person having the custody of the child when, in the opinion of the society or the Superintendent, the welfare of the child so requires.

Short title.

2. This Act may be cited as *The Children's Protection Amendment Act, 1944*.

BILL

An Act to amend The Children's
Protection Act.

1st Reading

March 31st, 1944

2nd Reading

April 3rd, 1944

3rd Reading

April 5th, 1944

MR. VIVIAN

No. 90

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Municipal Act.

MR. BLACKWELL

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 266,
amended.

1. *The Municipal Act* is amended by adding thereto the following section:

Agreement
for Ont.
Prov. Police
to police
municipalities.

383a.—(1) Notwithstanding the provisions of this or any other Act and subject to the approval of the Lieutenant-Governor in Council, the council of any municipality may enter into an agreement or agreements with the Commissioner of Police for Ontario for the policing of the municipality by the Ontario Provincial Police Force.

Duties.

(2) Where an agreement has been entered into under subsection 1, the members of the Ontario Provincial Police Force assigned to duty in the municipality shall be charged with the duty of preserving the peace, preventing crimes and other offences, including offences against the by-laws of the municipality and shall perform such other duties, formerly performed by members of the municipal police force, as may be specified in the agreement.

Monies to be
paid into
Con. Rev.
Fund.

(3) The monies received from a municipal corporation pursuant to an agreement entered into under subsection 1 shall be paid into the Consolidated Revenue Fund.

Where no
appropriation
available.

(4) Where no appropriation is available for paying the expenses of policing a municipality pursuant to an agreement entered into under subsection 1, such expenses shall be paid out of the Consolidated Revenue Fund.

EXPLANATORY NOTE

This section, which is new, will enable any municipality to be policed by the Ontario Provincial Police instead of the local police force.

The subsections are self-explanatory.

An Act to amend The Municipal Act.

1st Reading

March 31st, 1944

2nd Reading

3rd Reading

MR. BLACKWELL.

No. 90

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Municipal Act.

MR. BLACKWELL

TORONTO
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PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The *Municipal Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 266,
amended.

Agreement
for Ont.
Prov. Police
to police
municipalities.

383a.—(1) Notwithstanding the provisions of this or any other Act and subject to the approval of the Lieutenant-Governor in Council, the council of any municipality may enter into an agreement or agreements with the Commissioner of Police for Ontario for the policing of the municipality by the Ontario Provincial Police Force.

Duties.

(2) Where an agreement has been entered into under subsection 1, the members of the Ontario Provincial Police Force assigned to duty in the municipality shall be charged with the duty of preserving the peace, preventing crimes and other offences, including offences against the by-laws of the municipality and shall perform such other duties, formerly performed by members of the municipal police force, as may be specified in the agreement.

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Con. Rev.
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(3) The monies received from a municipal corporation pursuant to an agreement entered into under subsection 1 shall be paid into the Consolidated Revenue Fund.

Where no
appropriation
available.

(4) Where no appropriation is available for paying the expenses of policing a municipality pursuant to an agreement entered into under subsection 1, such expenses shall be paid out of the Consolidated Revenue Fund.

BILL

An Act to amend The Municipal Act.

1st Reading

March 31st, 1944

2nd Reading

April 3rd, 1944

3rd Reading

April 5th, 1944

MR. BLACKWELL

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Workmen's Compensation Act.

MR. DALEY

No. 91

1944

BILL

An Act to amend The Workmen's Compensation Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 204, s. 1,
subs. 1,
cl. f,
amended.

1.—(1) Clause *f* of subsection 1 of section 1 of *The Workmen's Compensation Act* is amended by inserting after the word "industry" in the fourth line the words "and shall include the Crown in right of the Province and any permanent board or commission appointed by the Province", so that the said clause shall now read as follows:

"employer".

(f) "employer" shall include every person having in his service under a contract of hiring or apprenticeship, written or oral, express or implied, any person engaged in any work in or about an industry and shall include the Crown in right of the Province and any permanent board or commission appointed by the Province, and where the services of a workman are temporarily lent or hired to another person by the person with whom the workman has entered into such a contract the latter shall be deemed to continue to be the employer of the workman whilst he is working for that other person.

Rev. Stat.,
c. 204, s. 1,
subs. 2,
amended.

(2) Subsection 2 of the said section 1 is amended by adding at the end of clause *e* the words "except a rural school board" and by striking out all the words after the word "board" in the twelfth line, so that the said subsection shall now read as follows:

Municipal
corporations,
etc., and
school
boards.

(2) The exercise and performance of the powers and duties of,—

(a) a municipal corporation;

(b) a public utilities commission;

EXPLANATORY NOTES.

GENERAL: Provision is made for an attendant or other necessary services or treatment for a workmen rendered helpless through permanent total disability.

The provisions of Part I of the Act are extended so as to apply to the departments of the Provincial Government service and permanent provincial boards or commissions, and also to all operations and employments of municipal corporations, public utilities and other municipal commissions, trustees of police villages and school boards except in rural sections.

Provision is made giving persons engaged in farming the right, if they so desire, to bring their industry under Part I of the Act. This is optional.

The limitation of five years from the time a workman leaves his employment for making a claim for silicosis is abolished and the period of exposure to silica dust necessary to entitle a workman to compensation for silicosis is reduced from five to two years.

It also provides that the Board's funds may be invested in securities of or guaranteed by the Dominion of Canada as well as the Province of Ontario as is now the case.

Protection is provided for employers and certain workmen coming under Part I of the Act in case of action brought for accidents by third parties. The law is clarified regarding the authority of the Board to exempt specific employments or work from an industry without excluding the whole industry.

SECTION 1: Subsection 1 amends the definition of "employer" so as to bring within Part I of the Act the Crown in right of the Province of Ontario and any permanent board or commission appointed by the Province. Most departments of the Provincial Government now refer accidents to employees to the Board for adjudication. This amendment would make compensation a matter of right rather than concession.

The amendment made by subsection 2 extends the application of Part I of the Act to all departments or employments of municipal corporations, commissions, police villages and school boards except rural school boards. At present their liability for compensation is limited to such parts of their business which if carried on by a company or individual would be an industry under Schedule 1 or Schedule 2 of the Act.

(c) any other commission having the management and conduct of any work or service owned by or operated for a municipal corporation;

(d) the board of trustees of a police village; and

(e) a school board except a rural school board,

shall for the purposes of Part I be deemed the trade or business of the corporation, commission, board of trustees or school board.

2. Section 8 of *The Workmen's Compensation Act* as amended by section 1 of *The Workmen's Compensation Amendment Act, 1939*, and section 2 of *The Workmen's Compensation Act, 1943*, is further amended by adding thereto the following subsection:

Rev. Stat.,
c. 204, s. 8,
amended.

Damages.

- (6) In any action brought by a workman or dependant of a workman in any case within the provisions of subsection 1 and one or more of the persons found to be at fault or negligent is the employer of the workman, whether in Schedule 1 or Schedule 2, or any other employer in Schedule 1, or any workman of any employer in Schedule 1, no damages, contribution or indemnity shall be recoverable for the portion of the loss or damage caused by the fault or negligence of such employer of the workman, whether in Schedule 1 or Schedule 2, or of any other employer in Schedule 1, or of any workman of any employer in Schedule 1, and the portion of the loss or damage so caused by the fault or negligence of such employer of the workman, whether in Schedule 1 or Schedule 2, or by any other employer in Schedule 1, or by the workman of any employer in Schedule 1 shall be determined although such employer or workman is not a party to the action.

Rev. Stat.,
c. 204, s. 14,
subs. 1,
amended.

3. Subsection 1 of section 14 of *The Workmen's Compensation Act* as amended by section 5 of *The Workmen's Compensation Act, 1943*, is further amended by inserting after the word "him" in the fifth line the words "or any industrial disease contracted by him", so that the said subsection shall now read as follows:

Provisions
of Act in
lieu of all
rights of
action
against
employer.

- (1) The provisions of this Part shall be in lieu of all rights and rights of action, statutory or otherwise, to which a workman or the members of his family are or may be entitled against the employer of such workman for or by reason of any accident happening to him or any industrial disease contracted by him on or after the 1st day of January, 1915, while in

SECTION 2. Protection is provided employers in Schedule 1 who pay assessment and in Schedule 2 who may compensation against liability for damages or contribution in third party actions but their portion of the responsibility for the accident may be determined by the court without their being a party to the action.

SECTION 3. This clarifies the law, making sure that the provisions of the Act are in lieu of all rights of action against the employer for industrial diseases as well as accidents.

the employment of such employer, and no action in respect thereof shall lie.

Rev. Stat.,
c. 204, s. 35,
subs. 1,
cl. f. (1943,
c. 37, s. 6,
subs. 3)
amended.

4. Clause f of subsection 1 of section 35 of *The Workmen's Compensation Act* as enacted by subsection 3 of section 6 of *The Workmen's Compensation Act, 1943*, is amended by striking out the words "approaching the age of sixteen years" in the second and third lines, so that the said clause shall now read as follows:

- (f) Where in the opinion of the Board the furnishing of further or better education to a child appears advisable, the Board in its discretion may on application extend the period to which compensation shall be paid in respect of the child for such additional period as is spent by the child in the furthering or bettering of its education but in no case beyond the age of eighteen years.

Rev. Stat.,
c. 204,
s. 50,
subs. 1,
amended.

5.—(1) Subsection 1 of section 50 of *The Workmen's Compensation Act* as amended by section 3 of *The Workmen's Compensation Amendment Act, 1939*, is further amended by inserting after the word "services" in the sixth line the words "and in the discretion of the Board where a workman is rendered helpless through permanent total disability such other treatment, services or attendance", so that the said subsection shall now read as follows:

Medical and
surgical aid
during
disability.

- (1) Every workman entitled to compensation under this Part, or who would have been so entitled had he been disabled for seven days, shall be entitled to such medical, surgical and dental aid, the aid of drugless practitioners registered under *The Drugless Practitioners Act*, and hospital and skilled nursing services and in the discretion of the Board where a workman is rendered helpless through permanent total disability such other treatment, services or attendance as may be necessary as a result of the injury, and shall be entitled to such artificial member or members and apparatus and dental appliances and apparatus as may be necessary as a result of the injury, and to have the same kept in repair or replaced when deemed necessary by the Board.

Rev. Stat.,
c. 204, s. 50,
subs. 2,
amended.

(2) Subsection 2 of the said section 50 is amended by inserting after the word "services" in the fourth line the words "and where a workman is rendered helpless through permanent total disability such other treatment, services or attendance", so that the said subsection shall now read as follows:

SECTION 4. This clarifies the meaning of the clause¹ so that children between sixteen and eighteen years come under the clause providing for their education as well as those approaching the age of sixteen.

SECTION 5. This provides that where an accident renders a workman helpless through permanent total disability the Board is authorized to supply in addition to medical or surgical aid such other treatment, service or attendance as may be necessary.

"Medical aid",—
meaning of.

Rev. Stat.,
c. 229.

- (2) In this Act "medical aid" shall mean the medical, surgical and dental aid, the aid of drugless practitioners registered under *The Drugless Practitioners Act*, and hospital and skilled nursing services and where a workman is rendered helpless through permanent total disability such other treatment, services or attendance and the artificial member or members and apparatus and repair above mentioned.

Rev. Stat.,
c. 204, s. 84,
subs. 1,
amended.

6. Subsection 1 of section 84 of *The Workmen's Compensation Act* is amended by adding thereto the following clause:

- (d) exclude any trade, employment, occupation, calling, avocation or service from any industry for the time being included under Part I or at any time brought under Part I.

Rev. Stat.,
c. 204,
s. 105,
amended,

7. Section 105 of *The Workmen's Compensation Act* as amended by section 4 of *The Workmen's Compensation Amendment Act, 1939*, and by section 3 of *The Workmen's Compensation Amendment Act, 1942*, is further amended by striking out all the words added by the amendment of 1939 and inserting in lieu thereof the words "or in securities issued by the Dominion of Canada or in securities the payment of which is guaranteed by it", so that the said section shall now read as follows:

Formation
or reserves.

105. In order to maintain the accident fund as provided by section 81 the Board may from time to time and as often as may be deemed necessary include in any sum to be assessed upon the employers and may collect from them such sums as may be deemed necessary for that purpose and the sums so collected shall form a reserve fund and shall be invested in securities issued by the Province of Ontario or in securities the payment of which is guaranteed by it or in securities issued by the Dominion of Canada or in securities the payment of which is guaranteed by it.

Rev. Stat.,
c. 204,
s. 115,
subs. 11,
repealed.

8.—(1) Subsection 11 of section 115 of *The Workmen's Compensation Act* as amended by subsection 2 of section 5 of *The Workmen's Compensation Amendment Act, 1939*, is repealed.

Rev. Stat.,
c. 204,
s. 115,
subs. 13,
amended.

(2) Subsection 13 of the said section 115 is amended by striking out the word "five" in the sixth line and inserting in lieu thereof the word "two", so that the said subsection shall now read as follows:

SECTION 6. This makes clear that the Board may exclude any particular occupation or employment from an industry in Part I without excluding the whole industry.

SECTION 7. The investment of the funds of the Board is at present confined to securities issued or guaranteed by the Province of Ontario and this section authorizes the Board to invest the funds in securities issued or guaranteed by the Dominion of Canada as well.

SECTION 8. Subsection 1. Under the present law a workman must make and establish his claim for silicosis within five years from leaving his employment. This section abolishes this limitation.

Subsection 2. The period of exposure to silica dust necessary to entitle a workman to compensation for silicosis is reduced from five to two years.

Condition upon which compensation granted.

- (13) Nothing in this Act shall entitle a workman or his dependants to compensation, medical aid or payment of burial expenses for disability or death from silicosis unless the workman has been actually exposed to silica dust in his employment in Ontario for periods amounting in all to at least two years preceding his disablement.

Rev. Stat., c. 204, s. 119, amended.

9. Section 119 of *The Workmen's Compensation Act* is amended by adding at the end thereof the words "and shall apply to any employment by or under the Crown in right of the Province, including any employment by any permanent board or commission appointed by the Crown in right of the Province", so that the said section shall now read as follows:

Application of Part I.

119. This Part shall apply only to the industries mentioned in Schedules 1 and 2 and to such industries as shall be added to them under the authority of this Part and to employments therein and shall apply to any employment by or under the Crown in right of the Province, including any employment by any permanent board or commission appointed by the Crown in right of the Province.

Rev. Stat., c. 204, s. 124, amended.

10. Section 124 of *The Workmen's Compensation Act* is amended by adding thereto the following subsection:

Farming industry.

- (2) Notwithstanding anything in subsection 1 the industry of farming may be brought under the provisions of Part I of the Act by application of the employer pursuant to the provisions of section 88.

Rev. Stat., c. 204, Sched. 2, par. 1, amended.

- 11.—(1) Paragraph 1 of Schedule 2 of *The Workmen's Compensation Act* is amended by adding at the end thereof the words "except a rural school board", so that the said paragraph shall now read as follows:

1. The trade or business, as defined by subsection 2 of section 1, of a municipal corporation, a public utilities commission, any other commission having the management and conduct of any work or service owned by or operated for a municipal corporation, a board of trustees of a police village and a school board, except a rural school board.

Rev. Stat., c. 204, Sched. 2, amended.

- (2) The said Schedule 2 is amended by adding thereto the following paragraph:

9. The Crown in right of the Province and any permanent board or commission appointed by the Province.

SECTION 9. This section conforms with the amendment made by section 1 providing for the inclusion, as an employer, of the Crown in right of the Province.

SECTION 10. At present *The Workmen's Compensation Act* does not apply at all to the industry of farming. This amendment gives persons engaged in farming the right, if they so desire, to apply to the Board to bring their industry under Part I of the Act.

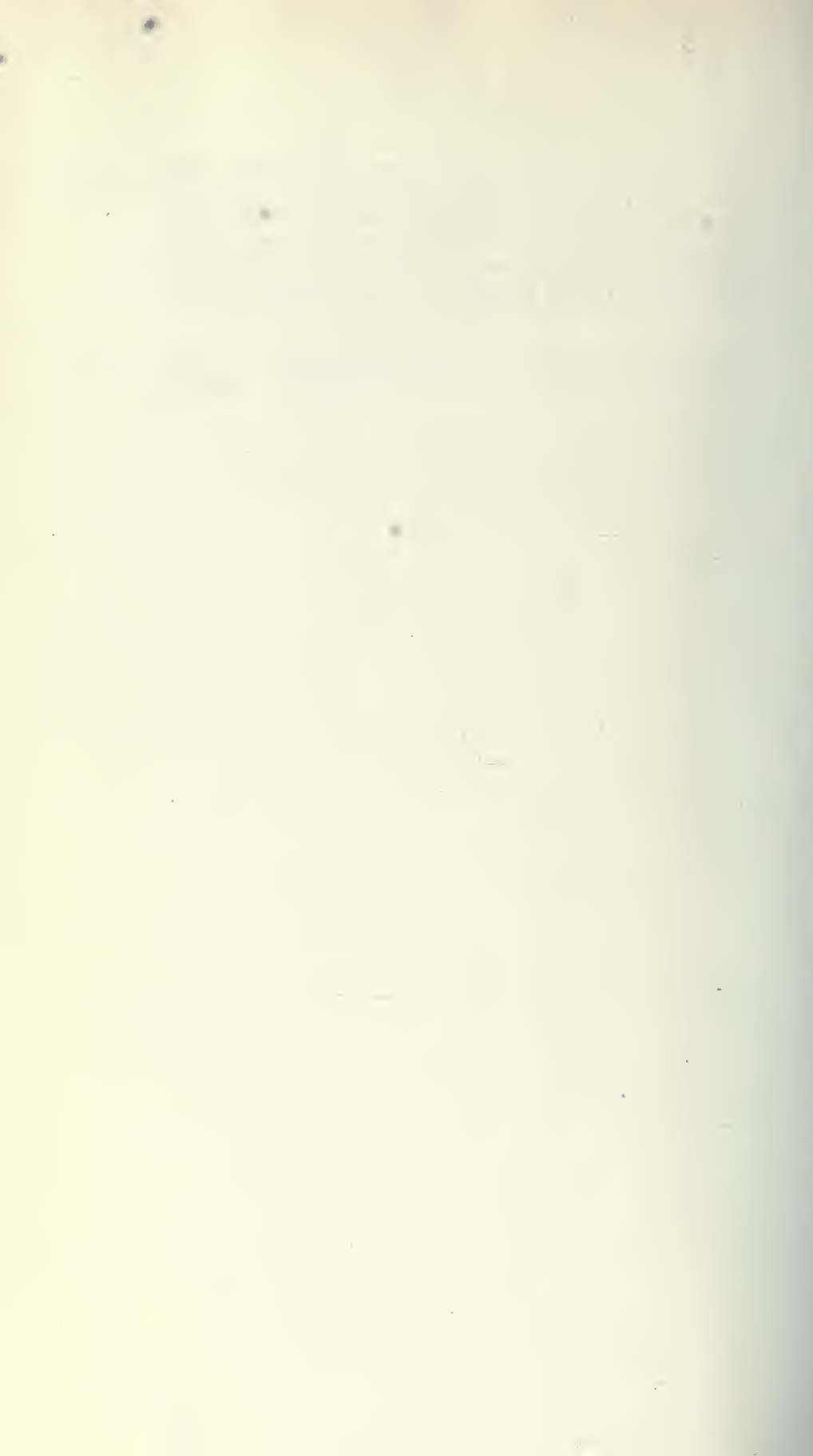
SECTION 11. This section conforms with the amendments made by sections 1 and 10 providing for bringing under the Act the Crown in right of the Province and any permanent board or commission appointed by the Province.

Commence-
ment of Act.

12. This Act shall come into force on the day upon which it receives the Royal Assent; subsection 2 of section 1 shall apply only to accidents happening on or after the 1st day of January, 1945; and sections 5 and 8 shall apply only to accidents happening on or after the day upon which this Act receives the Royal Assent, and section 4 shall apply without regard to the date of the accident.

Short title.

13. This Act may be cited as *The Workmen's Compensation Amendment Act, 1944*.



BILL

An Act to amend The Workmen's
Compensation Act.

1st Reading

March 31st, 1944

2nd Reading

3rd Reading

MR. DALEY

No. 91

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Workmen's Compensation Act.

MR. DALEY

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 91

1944

BILL

An Act to amend The Workmen's Compensation Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 204, s. 1,
subs. 1,
cl. f,
amended.

1.—(1) Clause *f* of subsection 1 of section 1 of *The Workmen's Compensation Act* is amended by inserting after the word "industry" in the fourth line the words "and shall include the Crown in right of the Province and any permanent board or commission appointed by the Province", so that the said clause shall now read as follows:

"employer".

(f) "employer" shall include every person having in his service under a contract of hiring or apprenticeship, written or oral, express or implied, any person engaged in any work in or about an industry and shall include the Crown in right of the Province and any permanent board or commission appointed by the Province, and where the services of a workman are temporarily lent or hired to another person by the person with whom the workman has entered into such a contract the latter shall be deemed to continue to be the employer of the workman whilst he is working for that other person.

Rev. Stat.,
c. 204, s. 1,
subs. 2,
amended.

(2) Subsection 2 of the said section 1 is amended by adding at the end of clause *e* the words "except a rural school board" and by striking out all the words after the word "board" in the twelfth line, so that the said subsection shall now read as follows:

Municipal
corporations,
etc., and
school
boards.

(2) The exercise and performance of the powers and duties of,—

(a) a municipal corporation;

(b) a public utilities commission;

(c) any other commission having the management and conduct of any work or service owned by or operated for a municipal corporation;

(d) the board of trustees of a police village; and

(e) a school board except a rural school board,

shall for the purposes of Part I be deemed the trade or business of the corporation, commission, board of trustees or school board.

2. Section 8 of *The Workmen's Compensation Act* as amended by section 1 of *The Workmen's Compensation Amendment Act, 1939*, and section 2 of *The Workmen's Compensation Act, 1943*, is further amended by adding thereto the following subsection: Rev. Stat., c. 204, s. 8, amended.

(6) In any action brought by a workman or dependant Damages. of a workman in any case within the provisions of subsection 1 and one or more of the persons found to be at fault or negligent is the employer of the workman, whether in Schedule 1 or Schedule 2, or any other employer in Schedule 1, or any workman of any employer in Schedule 1, no damages, contribution or indemnity shall be recoverable for the portion of the loss or damage caused by the fault or negligence of such employer of the workman, whether in Schedule 1 or Schedule 2, or of any other employer in Schedule 1, or of any workman of any employer in Schedule 1, and the portion of the loss or damage so caused by the fault or negligence of such employer of the workman, whether in Schedule 1 or Schedule 2, or by any other employer in Schedule 1, or by the workman of any employer in Schedule 1 shall be determined although such employer or workman is not a party to the action.

3. Subsection 1 of section 14 of *The Workmen's Compensation Act* as amended by section 5 of *The Workmen's Compensation Act, 1943*, is further amended by inserting after the word "him" in the fifth line the words "or any industrial disease contracted by him", so that the said subsection shall now read as follows: Rev. Stat., c. 204, s. 14, subs. 1, amended.

(1) The provisions of this Part shall be in lieu of all Provisions of Act in lieu of all rights of action against employer. rights and rights of action, statutory or otherwise, to which a workman or the members of his family are or may be entitled against the employer of such workman for or by reason of any accident happening to him or any industrial disease contracted by him on or after the 1st day of January, 1915, while in

the employment of such employer, and no action in respect thereof shall lie.

Rev. Stat.,
c. 204, s. 35,
subs. 1,
cl. f, (1943,
c. 37, s. 6,
subs. 3)
amended.

4. Clause f of subsection 1 of section 35 of *The Workmen's Compensation Act* as enacted by subsection 3 of section 6 of *The Workmen's Compensation Act, 1943*, is amended by striking out the words "approaching the age of sixteen years" in the second and third lines, so that the said clause shall now read as follows:

- (f) Where in the opinion of the Board the furnishing of further or better education to a child appears advisable, the Board in its discretion may on application extend the period to which compensation shall be paid in respect of the child for such additional period as is spent by the child in the furthering or bettering of its education but in no case beyond the age of eighteen years.

Rev. Stat.,
c. 204,
s. 50,
subs. 1,
amended.

5.—(1) Subsection 1 of section 50 of *The Workmen's Compensation Act* as amended by section 3 of *The Workmen's Compensation Amendment Act, 1939*, is further amended by inserting after the word "services" in the sixth line the words "and in the discretion of the Board where a workman is rendered helpless through permanent total disability such other treatment, services or attendance", so that the said subsection shall now read as follows:

Medical and
surgical aid
during
disability.

- (1) Every workman entitled to compensation under this Part, or who would have been so entitled had he been disabled for seven days, shall be entitled to such medical, surgical and dental aid, the aid of drugless practitioners registered under *The Drugless Practitioners Act*, and hospital and skilled nursing services and in the discretion of the Board where a workman is rendered helpless through permanent total disability such other treatment, services or attendance as may be necessary as a result of the injury, and shall be entitled to such artificial member or members and apparatus and dental appliances and apparatus as may be necessary as a result of the injury, and to have the same kept in repair or replaced when deemed necessary by the Board.

Rev. Stat.,
c. 229.

Rev. Stat.,
c. 204, s. 50,
subs. 2,
amended.

(2) Subsection 2 of the said section 50 is amended by inserting after the word "services" in the fourth line the words "and where a workman is rendered helpless through permanent total disability such other treatment, services or attendance", so that the said subsection shall now read as follows:

- (2) In this Act "medical aid" shall mean the medical, surgical and dental aid, the aid of drugless practitioners registered under *The Drugless Practitioners Act*, and hospital and skilled nursing services and where a workman is rendered helpless through permanent total disability such other treatment, services or attendance and the artificial member or members and apparatus and repair above mentioned.

"Medical aid",
meaning of.
Rev. Stat.,
c. 229.

6. Subsection 1 of section 84 of *The Workmen's Compensation Act* is amended by adding thereto the following clause:

Rev. Stat.,
c. 204, s. 84,
subs. 1,
amended.

- (d) exclude any trade, employment, occupation, calling, avocation or service from any industry for the time being included under Part I or at any time brought under Part I.

7. Section 105 of *The Workmen's Compensation Act* as amended by section 4 of *The Workmen's Compensation Amendment Act, 1939*, and by section 3 of *The Workmen's Compensation Amendment Act, 1942*, is further amended by striking out all the words added by the amendment of 1939 and inserting in lieu thereof the words "or in securities issued by the Dominion of Canada or in securities the payment of which is guaranteed by it", so that the said section shall now read as follows:

Rev. Stat.,
c. 204,
s. 105,
amended.

105. In order to maintain the accident fund as provided by section 81 the Board may from time to time and as often as may be deemed necessary include in any sum to be assessed upon the employers and may collect from them such sums as may be deemed necessary for that purpose and the sums so collected shall form a reserve fund and shall be invested in securities issued by the Province of Ontario or in securities the payment of which is guaranteed by it or in securities issued by the Dominion of Canada or in securities the payment of which is guaranteed by it.

Formation
or reserves.

8.—(1) Subsection 11 of section 115 of *The Workmen's Compensation Act* as amended by subsection 2 of section 5 of *The Workmen's Compensation Amendment Act, 1939*, is repealed.

Rev. Stat.,
c. 204,
s. 115,
subs. 11,
repealed.

(2) Subsection 13 of the said section 115 is amended by striking out the word "five" in the sixth line and inserting in lieu thereof the word "two", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 204,
s. 115,
subs. 13,
amended.

Condition
upon which
compensa-
tion
granted.

- (13) Nothing in this Act shall entitle a workman or his dependants to compensation, medical aid or payment of burial expenses for disability or death from silicosis unless the workman has been actually exposed to silica dust in his employment in Ontario for periods amounting in all to at least two years preceding his disablement.

Rev. Stat.,
c. 204,
s. 119,
amended.

9. Section 119 of *The Workmen's Compensation Act* is amended by adding at the end thereof the words "and shall apply to any employment by or under the Crown in right of the Province, including any employment by any permanent board or commission appointed by the Crown in right of the Province", so that the said section shall now read as follows:

Application
of Part I.

119. This Part shall apply only to the industries mentioned in Schedules 1 and 2 and to such industries as shall be added to them under the authority of this Part and to employments therein and shall apply to any employment by or under the Crown in right of the Province, including any employment by any permanent board or commission appointed by the Crown in right of the Province.

Rev. Stat.,
c. 204,
s. 124,
amended.

10. Section 124 of *The Workmen's Compensation Act* is amended by adding thereto the following subsection:

Farming
industry.

- (2) Notwithstanding anything in subsection 1 the industry of farming may be brought under the provisions of Part I of the Act by application of the employer pursuant to the provisions of section 88.

Rev. Stat.,
c. 204,
Sched. 2,
par. 1,
amended.

11.—(1) Paragraph 1 of Schedule 2 of *The Workmen's Compensation Act* is amended by adding at the end thereof the words "except a rural school board", so that the said paragraph shall now read as follows:

1. The trade or business, as defined by subsection 2 of section 1, of a municipal corporation, a public utilities commission, any other commission having the management and conduct of any work or service owned by or operated for a municipal corporation, a board of trustees of a police village and a school board, except a rural school board.

Rev. Stat.,
c. 204,
Sched. 2,
amended.

(2) The said Schedule 2 is amended by adding thereto the following paragraph:

9. The Crown in right of the Province and any permanent board or commission appointed by the Province.

12. This Act shall come into force on the day upon which it receives the Royal Assent; subsection 2 of section 1 shall apply only to accidents happening on or after the 1st day of January, 1945; and sections 5 and 8 shall apply only to accidents happening on or after the day upon which this Act receives the Royal Assent, and section 4 shall apply without regard to the date of the accident. Commence-
ment of Act.

13. This Act may be cited as *The Workmen's Compensation Amendment Act, 1944*. Short title.

BILL

An Act to amend The Workmen's
Compensation Act.

1st Reading

March 31st, 1944

2nd Reading

April 3rd, 1944

3rd Reading

April 5th, 1944

MR. DALEY

No. 92

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act for Raising Money on the Credit of the
Consolidated Revenue Fund.

MR. FROST

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



BILL

An Act for Raising Money on the Credit of the Consolidated Revenue Fund.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows;

Loan of
\$20,000,000
authorized.

1. The Lieutenant-Governor in Council is hereby authorized to raise from time to time by way of loan such sum or sums of money as may be deemed expedient for any or all of the following purposes, that is to say: For the public service, for works carried on by commissioners on behalf of Ontario, for the covering of any debt of Ontario on open account, for paying any floating indebtedness of Ontario, and for the carrying on of the public works authorized by the Legislature; Provided that the principal amount of any securities issued and the amount of any temporary loans raised under the authority of this Act, including any securities issued for the retirement of the said securities or temporary loans, at any time outstanding, shall not exceed in the whole Twenty Million Dollars (\$20,000,000).

Terms to be
fixed by
Lieutenant-
Governor
in Council.

2. The aforesaid sum of money may be borrowed for any term or terms not exceeding forty years, at such rate as may be fixed by the Lieutenant-Governor in Council and shall be raised upon the credit of the Consolidated Revenue Fund of Ontario, and shall be chargeable thereupon.

Sinking
Fund.

3. The Lieutenant-Governor in Council may provide for a special sinking fund with respect to the issue herein authorized, and such sinking fund may be at a greater rate than the one-half of one per centum per annum specified in subsection 3 of section 3 of *The Provincial Loans Act*.

Rev. Stat.,
c. 22.

Commence-
ment of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

5. This Act may be cited as *The Ontario Loan Act, 1944*.

BILL

An Act for Raising Money on the Credit of
the Consolidated Revenue Fund.

1st Reading

March 31st, 1944

2nd Reading

3rd Reading

MR. FROST

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

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Terms to be
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1st Reading

March 31st, 1944

2nd Reading

April 3rd, 1944

3rd Reading

April 5th, 1944

MR. FROST

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Milk Control Act.

MR. DOUCETT

TORONTO

PRINTED BY T. E. BOWMAN

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 93

1944

BILL

An Act to amend The Milk Control Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 76, s. 2,
amended.

1. Section 2 of *The Milk Control Act* is amended by adding thereto the following subsection:

Quorum.

(2a) Where the board consists of four or more persons three members shall constitute a quorum.

Rev. Stat.,
c. 76, s. 4,
amended.

2. Section 4 of *The Milk Control Act* is amended by adding thereto the following subsection:

Administra-
tive
duties.

(2) Notwithstanding any other provision of this Act the chairman of the board may perform such of the duties of the board as the Lieutenant-Governor in Council may prescribe.

Rev. Stat.,
c. 76, s. 14,
re-enacted.

3. Section 14 of *The Milk Control Act* is repealed and the following substituted therefor:

Establish-
ment of
fund for
producers'
associations.

14. When the Minister of Agriculture receives from an association of milk producers who are engaged in supplying milk to distributors or processors in any area a petition asking that for the purpose of defraying the expenses of such association every producer engaged in supplying milk to distributors or processors in such area be required to pay license fees, the Minister subject to the approval of the Lieutenant-Governor in Council may, if he is of the opinion that such association is fairly representative of the producers so engaged, make an order

(a) requiring every producer so engaged to pay to the association license fees in different amounts and fixing the amounts of such fees payable in instalments;

(b) requiring every producer and distributor who receives milk from any such producer to

EXPLANATORY NOTES

SECTION 1 provides that when the board consists of four or more persons, three members shall be a quorum.

SECTION 2 empowers the chairman to perform such of the duties of the board as the Lieutenant-Governor in Council may prescribe. This will dispense with the necessity of calling board meetings to dispose of matters of an administrative nature.

SECTION 3. The section which permits the establishment of a fund for the purpose of carrying out any scheme for the processing and marketing of milk is replaced by a section providing for the payment of fees by producers to defray the expenses of a producers' association.

deduct the amount of the license fees of such producer from moneys payable to the producer and to pay such amount to the association;

- (c) preventing the association from using any such amount for the retail distribution or processing of milk; and
- (d) requiring the association to furnish to the Board such information and financial statements as the Board may determine.

Short title.

4. This Act may be cited as *The Milk Control Amendment Act, 1944*.



BILL

An Act to amend The Milk Control Act.

1st Reading

March 31st, 1944

2nd Reading

3rd Reading

MR. DOUCETT

No. 93

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

■ An Act to amend The Milk Control Act.

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Rev. Stat.,
c. 76, s. 4,
amended.

2. Section 4 of *The Milk Control Act* is amended by adding thereto the following subsection:

Administra-
tive
duties.

(2) Notwithstanding any other provision of this Act the chairman of the board may perform such of the duties of the board as the Lieutenant-Governor in Council may prescribe.

Rev. Stat.,
c. 76, s. 14,
re-enacted.

3. Section 14 of *The Milk Control Act* is repealed and the following substituted therefor:

Establish-
ment of
fund for
producers'
associations.

14. When the Minister of Agriculture receives from an association of milk producers who are engaged in supplying milk to distributors or processors in any area a petition asking that for the purpose of defraying the expenses of such association every producer engaged in supplying milk to distributors or processors in such area be required to pay license fees, the Minister subject to the approval of the Lieutenant-Governor in Council may, if he is of the opinion that such association is fairly representative of the producers so engaged, make an order

(a) requiring every producer so engaged to pay to the association license fees in different amounts and fixing the amounts of such fees payable in instalments;

(b) requiring every producer and distributor who receives milk from any such producer to

deduct the amount of the license fees of such producer from moneys payable to the producer and to pay such amount to the association;

- (c) preventing the association from using any such amount for the retail or wholesale distribution or processing of milk; and
- (d) requiring the association to furnish to the Board such information and financial statements as the Board may determine.

4. This Act may be cited as *The Milk Control Amendment* Short title.
Act, 1944.

BILL

An Act to amend The Milk Control Act.

1st Reading

March 31st, 1944

2nd Reading

April 4th, 1944

3rd Reading

April 5th, 1944

MR. DOUCETT

No. 94

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act respecting the Registration of Guests in Hotels.

MR. BLACKWELL

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the Registration of Guests in Hotels.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

"Hotel",—
meaning of.

1. In this Act "hotel" shall mean a separate building or two or more connected buildings used mainly for the purpose of catering to the needs of the travelling public by the supply of food and also by the furnishing of sleeping accommodation of not less than six bedrooms as distinguished from any other building or connected buildings used mainly for the purpose of supplying food and lodging by the week or otherwise commonly known as "boarding houses" or of furnishing living quarters for families and having a dining-room or restaurant commonly known as "apartment houses" or "private hotels".

Register
to be
kept in
hotel.

2. In every hotel a register shall be kept in which shall be entered the name and usual place of residence of every person admitted as a guest in such hotel and occupying a room therein alone or with another person.

Penalty
for not
keeping
register
properly.

3. Every owner and every manager of an hotel who fails to keep the register required by section 2 or to see that the particulars required by section 2 are entered therein, or who knowingly and wilfully permits any untrue statement as to the name or place of residence of a guest to be entered in the register shall be guilty of an offence and shall incur a penalty of not less than \$10 nor more than \$50, and in default of payment may be imprisoned for a period not exceeding three months.

Penalty for
guest
registering
falsely.

4. Any person who applies for admission as a guest in an hotel and who registers under or represents himself as bearing some other name than his own, or who in registering or procuring admission to an hotel, makes any false statement as to his ordinary place of residence, shall incur a penalty of not less than \$20 nor more than \$200, and in default of payment may be imprisoned for a period not exceeding three months.

EXPLANATORY NOTE

The Standard Hotel Registration of Guests Act is in effect re-enacted. The term "standard hotel" is replaced by the word "hotel" and "hotel" is defined in the same manner as in *The Hotel Fire Accidents Prevention Act*. Section 4 of *The Standard Hotel Registration of Guests Act*, which has been declared *ultra vires*, is omitted from this Act.

Penalties,—
recovery of.

Rev. Stat.,
c. 136.

Rev. Stat.,
c. 295,
repealed.

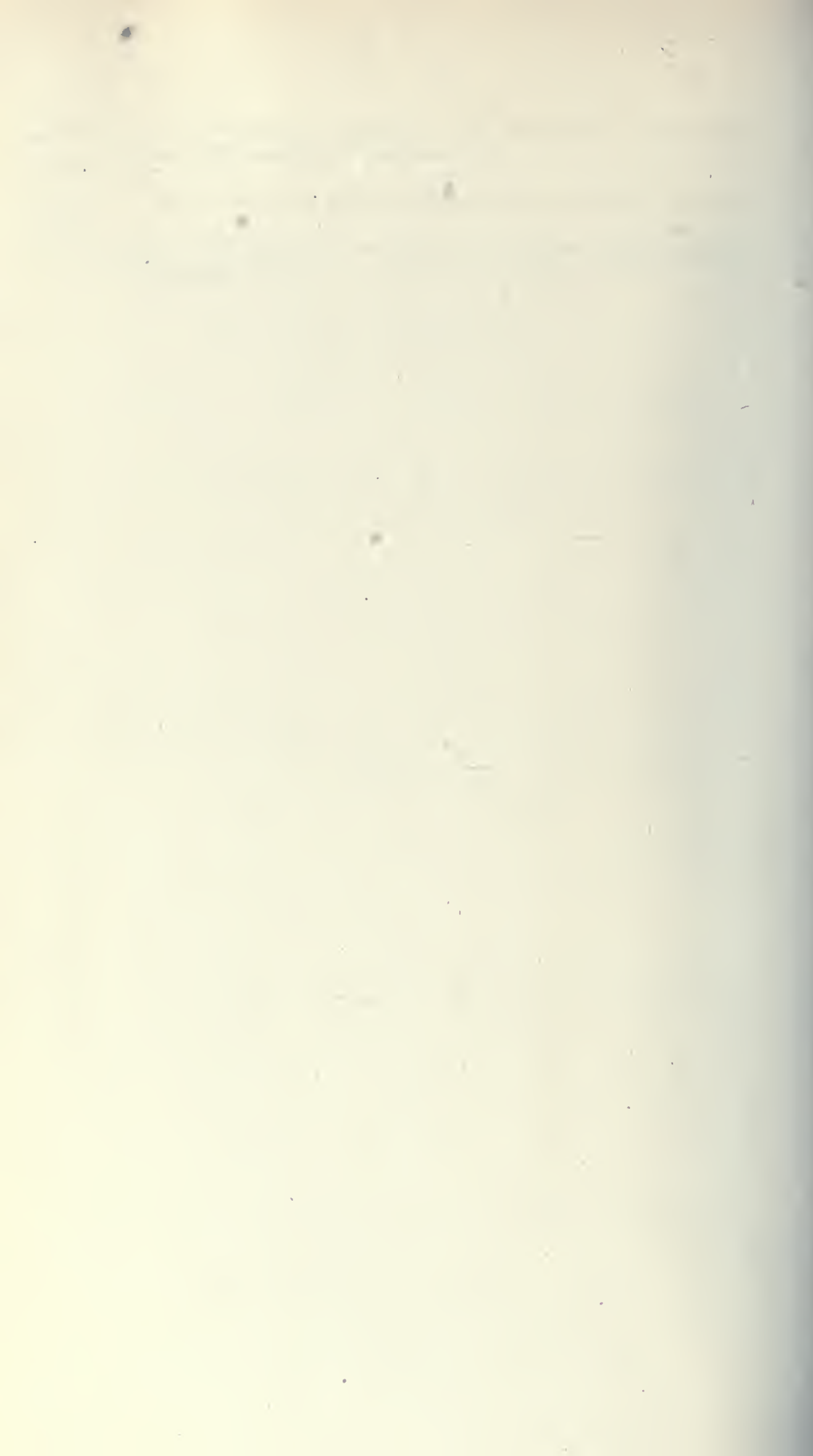
Short title.

5. The penalties provided by this Act shall be recoverable under *The Summary Convictions Act*.

6. *The Standard Hotel Registration of Guests Act* is repealed.

7. This Act may be cited as *The Hotel Registration of Guests Act, 1944*.





BILL

An Act respecting the Registration of
Guests in Hotels.

1st Reading

March 31st, 1944

2nd Reading

3rd Reading

MR. BLACKWELL

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act respecting the Registration of Guests in Hotels.

MR. BLACKWELL

BILL

An Act respecting the Registration of Guests in Hotels.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

"Hotel",—
meaning of.

1. In this Act "hotel" shall mean a separate building or two or more connected buildings used mainly for the purpose of catering to the needs of the travelling public by the supply of food and also by the furnishing of sleeping accommodation of not less than six bedrooms as distinguished from any other building or connected buildings used mainly for the purpose of supplying food and lodging by the week or otherwise commonly known as "boarding houses" or of furnishing living quarters for families and having a dining-room or restaurant commonly known as "apartment houses" or "private hotels".

Register
to be
kept in
hotel.

2. In every hotel a register shall be kept in which shall be entered the name and usual place of residence of every person admitted as a guest in such hotel and occupying a room therein alone or with another person.

Penalty
for not
keeping
register
properly.

3. Every owner and every manager of an hotel who fails to keep the register required by section 2 or to see that the particulars required by section 2 are entered therein, or who knowingly and wilfully permits any untrue statement as to the name or place of residence of a guest to be entered in the register shall be guilty of an offence and shall incur a penalty of not less than \$10 nor more than \$50, and in default of payment may be imprisoned for a period not exceeding three months.

Penalty for
guest
registering
falsely.

4. Any person who applies for admission as a guest in an hotel and who registers under or represents himself as bearing some other name than his own, or who in registering or procuring admission to an hotel, makes any false statement as to his ordinary place of residence, shall incur a penalty of not less than \$20 nor more than \$200, and in default of payment may be imprisoned for a period not exceeding three months.

5. The penalties provided by this Act shall be recoverable under *The Summary Convictions Act*. Penalties,—
recovery of.

Rev. Stat.,
c. 136.

6. *The Standard Hotel Registration of Guests Act* is repealed. Rev. Stat.,
c. 295,
repealed.

7. This Act may be cited as *The Hotel Registration of Guests Act, 1944*. Short title.

An Act respecting the Registration of
Guests in Hotels.

1st Reading

March 31st, 1944

2nd Reading

April 3rd, 1944

3rd Reading

April 5th, 1944

MR. BLACKWELL

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to enable Municipalities to Establish Town Planning
and Housing Authorities.

MR. WARREN

BILL

An Act to enable Municipalities to Establish Town Planning and Housing Authorities.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpre-
tation,—

1. In this Act,—

“authority”;

- (a) “authority” shall mean authority established under this Act;

“Depart-
ment”;

- (b) “Department” shall mean the Department of Planning and Development;

“muni-
cipality”;

- (c) “municipality” shall mean “local municipality” as defined in *The Municipal Act*, and shall include an improvement district and a school section in an unorganized township or in unorganized territory; and

Rev. Stat.,
c. 266.

“slum
clearance”.

- (d) “slum clearance” shall mean the demolition and removal of buildings from any area where dwellings predominate which by reason of dilapidation, overcrowding, faulty arrangement or design, lack of ventilation, light or sanitation facilities or any combination of these factors, are in the opinion of the authority detrimental to safety, health and morals.

Power to
establish
a planning
and housing
authority.

2. The council of a municipality may by by-law provide for the establishment of a municipal planning and housing authority for such municipality.

Joint
authorities.

3. The council of two or more municipalities may enter into an agreement, to be confirmed by by-law of the council of each municipality concerned, for the establishment of a joint municipal planning and housing authority for such municipalities and for apportioning equitably between such municipalities the cost and expenses incurred in setting up such a joint authority, and for carrying out any of the plans or things permitted or required by this Act, and such joint

EXPLANATORY NOTE

The provisions contained in this Bill are new. They are self-explanatory.

authority shall in all respects, subject to the terms of such agreement, have all the powers conferred by this Act upon any authority in relation to the Municipalities for which such joint authority is appointed.

Authority.—
composition
of.

4. An authority shall consist of not less than three nor more than seven members appointed by the council or councils in accordance with the terms of an agreement under section 3 and unless the consent of the Department has been obtained, at least one of such members shall be an architect, and such authority shall be known as “The Planning Board of
” (*naming the municipality or municipalities in respect of which it is appointed*)

Duties of
authority.

5. It shall be the duty of the authority,—

- (a) to conduct a survey of housing conditions and the need for housing in the area under its authority;
- (b) to make and file with the Department a plan for the development of all lands in the area under its authority.

Powers of
authorities.

6. An authority may,—

- (a) purchase, lease, acquire or expropriate lands and buildings in the area under its authority for housing projects, green belts, parks or recreational areas or for slum clearance, and may alter, repair and construct housing accommodation, and manage, lease and sell the same on such terms and to such persons as the authority shall decide;
- (b) enter into agreements with any government or person for the repair, alteration, construction, operation, management, and for assuming all or any part of the costs of any housing or other projects approved by it under this Act.

Plans to
be filed.

7.—(1) None of the powers conferred by section 6 shall be exercised until the authority has filed with the Department a detailed account of its plan or plans for the exercise of such power, and such plan or plans shall include a code of amenity standards covering—

- (a) acreage of green space in proportion to ground built over;
- (b) allocation of churches, theatres, stores and public buildings per 1,000 of population;

- (c) distance from schools, shops and places of work;
- (d) desirable frequency of transport and availability of utilities such as water, light, heat and drainage; and

(c) provisions for health services, health and safety,

nor until such plan or plans are approved by the Department and the exercise of any such power shall be in accordance with the plan or plans so approved by the Department.

(2) The Department shall assist in preparing the codes and plans called for by this section.

Preparation
of plans.

Special
rate.

8.—(1) For the purpose of carrying out the provisions of this Act and in particular for providing the necessary salaries, allowances, expenses and disbursements of the authority, and for the preparation and carrying out of any project approved under this Act, or for the sharing in the costs of any such project, the council may levy and impose a special rate upon all ratable property within the municipality, and all the provisions of *The Assessment Act* shall apply to such special rate.

Rev. Stat.,
c. 272.

Debentures.

(2) Subject to the approval of the Department and without obtaining the consent of the electors, the council may pass by-laws from time to time for borrowing on the credit of the corporation for any of the purposes mentioned in subsection 1 and to enable the carrying out of any agreement made in pursuance of the powers conferred by section 6 may limit the taxes payable in respect of the property affected by such agreement.

Acquisition
of lands.

9. The provisions of *The Municipal Act* and *The Municipal Arbitrations Act* dealing with the acquisition of lands, shall apply *mutatis mutandis* to the acquisition of land under this Act.

Rev. Stat.,
cc. 266, 280.

Powers to be
additional
powers.

10. The powers conferred by this Act upon the council shall be in addition to and not in derogation from any powers conferred on the council by any special or general Act of this Legislature.

Short title.

11. This Act may be cited as *The Town Planning and Housing Authority Act, 1944*.

An Act to enable Municipalities to Establish Town Planning and Housing Authorities.

1st Reading

April 3rd, 1944

2nd Reading

3rd Reading

MR. WARREN

No. 96

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act respecting Hours of Work and Holidays with Pay in Industrial Undertakings.

MR. DALEY

BILL

An Act respecting Hours of Work and Holidays with Pay in Industrial Undertakings.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpre-
tation,—

1. In this Act,—

“Board”;

(a) “Board” shall mean the Industry and Labour Board constituted under *The Department of Labour Act*;

Rev. Stat.,
c. 69.

“employee”;

(b) “employee” shall mean any person who is in receipt of or entitled to any compensation for labour or services performed for another;

“employer”;

(c) “employer” shall include every person, firm, corporation, agent, manager, representative, contractor or sub-contractor having control direction of, or responsible, directly or indirectly, for the employment of any employee;

“industrial
undertak-
ing”;

(d) “Industrial undertaking” shall mean,

(i) every establishment and undertaking and all work in or about any industry; and

(ii) any establishment, undertaking or work in or about any business, trade or occupation which may be prescribed by the regulations; and

“regula-
tions”.

(e) “regulations” shall mean regulations made under this Act.

Limitation
of hours
of work.

2.—(1) Subject to the provisions of this Act, the working hours of an employee in any industrial undertaking shall not exceed eight in the day and forty-eight in the week.

Holidays.

(2) Subject to the provisions of this Act, every employee in an industrial undertaking shall be given a holiday of one week with pay for every fifty-one weeks of his employment.

EXPLANATORY NOTES

GENERAL. The Bill provides that the maximum working hours of an employee in an industrial undertaking shall not exceed eight in a day and forty-eight in a week and it further provides that every employee in an industrial undertaking shall be given a holiday of one week with pay for every fifty-one weeks of his employment.

SECTION 1. The words used in the Act are defined. "Industrial undertaking" is defined to mean all industrial undertakings within the ordinary meaning of the term and also to include any establishment, undertaking or work in or about any business, trade or occupation which may be prescribed by the regulations.

SECTION 2. This is the operative section, the effect of which is described in the general note above.

Supervisors
and confi-
dential
employees
exempted.

3. Subsection 1 of section 2 shall not apply to a person holding a position of supervision or management or employed in a confidential capacity so long as the duties performed by him are entirely of a supervisory, managerial or confidential character and do not include any work or duty customarily performed by an employee and in case of dispute as to whether a person holds such a position or is so employed, the decision of the Board shall be final.

Agreements.

4. Where in the opinion of the Board it is not feasible to apply the provisions of subsection 1 of section 2 or of the regulations in an industrial undertaking or branch thereof the Board may by order authorize such daily and weekly limit of working hours in the industrial undertaking or branch or by any class or group of employees, as may be agreed upon in writing between organizations or representatives of the employees and employers affected and as the Board may deem proper.

War
industries.

5. Where in the opinion of the Board any industrial undertaking or branch thereof is a war industry and it is not feasible to apply the provisions of subsection 1 of section 2 or of the regulations, the Board may suspend the provisions of subsection 1 of section 2 or any of the provisions of the regulations with regard to such industrial undertaking or branch thereof or any class or group of employees so long as such industrial undertaking or branch continues to be a war industry, upon such terms and conditions as the Board deems advisable, or may, by order, authorize such working hours as it deems proper.

Accidents,—
exemptions.

6. The limit of hours of work prescribed by subsection 1 of section 2 may be exceeded in case of accident, or in case of work urgently required to be done to machinery or plant, or in case of force majeure, but only so far as may be necessary to avoid serious interference with the ordinary working of the undertaking.

Inquiry into
partnership,
association
or scheme.

7.—(1) The Board may hold an inquiry into the facts respecting any persons engaged or working in or about an industrial undertaking as members or alleged members of a partnership or association, or in the execution of any agreement or scheme of profit-sharing or co-operative or joint contract or undertaking, including the investigation of the contractual and other relations of the persons so engaged or working, as between themselves or as between them and their master or employer, and if the Board is of opinion that the partnership, association, agreement or scheme is intended or or has the effect, either directly or indirectly, of defeating the true intent and object of this Act the Board may make such order as it deems proper declaring any of such persons or any

SECTION 3. Excludes from the operation of the maximum hours provision a person holding a position of supervision or management or employed in a confidential capacity.

SECTION 4. Authorizes the Board to permit longer working hours where employers and employees have come to an agreement.

SECTION 5. Authorizes the Board to exclude war industries where the application of the Act thereto is not considered feasible.

SECTION 6. Exempts from the operation of the Act special urgent circumstances of an emergency nature.

SECTION 7. Empowers the Board to investigate any alleged partnership, association or similar scheme and where it finds that the purpose thereof is to avoid the application of the Act the Board may effectively deal with the situation.

class or group thereof to be employers and any of such persons or any class or group thereof to be employees for the purposes of this Act.

Powers of
chairman
on inquiry.

(2) For the purposes of any inquiry under this section the chairman of the Board shall have all the powers which may be vested in a commissioner appointed under *The Public Inquiries Act*.

Rev. Stat.,
c. 19.

Production
of records.

8.—(1) Every employer shall, on demand of the Board or the chairman or of any person authorized in writing by the Board or by the chairman, produce for inspection all records kept by him relating to the hours of labour of any person employed by him.

Time-clocks.

(2) The Board may by notice in writing require any employer forthwith, or within a time stated in the notice, to make provision for the true and correct recording of the hours of work of each of his employees, with respect to starting-time, stopping-time and rest intervals, by means of time-clocks or in such manner as the Board may direct.

Inspection
and produc-
tion of
records.

9.—(1) The Board or any member thereof, or any person authorized in writing by the chairman, may,—

- (a) inspect and examine all books, pay-rolls and other records of any employer which in any way relate to the hours of labour of any employees;
- (b) take extracts from or make copies of any entry in such books, pay-rolls and records;
- (c) require any employer to make or furnish full and correct statements, either orally or in writing in such form as may be required, respecting the hours of work of all or any of his employees, and require the statements to be made by the employer on oath or to be verified by his statutory declaration; and
- (d) require any employee to make full disclosure, production or delivery to the Board, or to the person so authorized, of all records, documents, statements, writing, books or papers, or extracts therefrom or copies thereof, or other information either verbal or in writing, as the employee may have in his possession or under his control and either verified on oath or otherwise as may be directed, which may in any way relate to his hours of work as an employee.

Power to
administer
oaths.

(2) Every member of the Board and every person authorized pursuant to subsection 1 shall have power to ad-

SECTION 8. Requires employers to produce records and authorizes the Board to require the making of provision for accurately recording the hours worked by employees.

SECTION 9. Provides for the inspection of records and for full disclosure by employers and employees.

minister all oaths and take all affidavits and statutory declarations required or authorized to be made under the provisions of subsection 1, and to certify to the administration or taking thereof.

Regulations.

10. Subject to the approval of the Lieutenant-Governor in Council, the Board may make regulations,—

- (a) prescribing any establishment undertaking or work in or about any business, trade or occupation which shall be deemed to be an industrial undertaking for the purposes of this Act;
- (b) prescribing industrial undertakings and branches thereof in which the working hours prescribed by subsection 1 of section 2 may be exceeded either by specified times or under specified conditions or generally, prescribing, in each case, the maximum of such excess and imposing terms and conditions in connection therewith;
- (c) providing for the application of the provisions of subsection 2 of section 2 where, owing to illness or other unavoidable absence an employee has been absent from his employment, and such other regulations as it may deem necessary for the due application and administration of such subsection;
- (d) requiring employers in any industrial undertaking or branch thereof to notify employees by the publication of such notices as it may determine or in such other manner as it may prescribe, of the provisions of this Act, any regulations or orders made hereunder, particulars of hours of work including the hours at which work begins and ends, the hours at which shifts change, particulars of rest periods and such other information as may be prescribed; and
- (e) prescribing the records which shall be kept and the returns which shall be made by employers.

Penalty—
employers.

11.—(1) Every employer who employs any person or permits any employee to work contrary to the provisions of this Act or any regulations or order made hereunder, shall be liable to a penalty of not less than \$25 and not exceeding a total of \$5 in respect of each employee for each day during the continuance of such contravention.

Idem.

(2) Every employer who fails to comply with any provision of this Act or the regulations or of any order or requirement of the Board, for the violation of which no other penalty is

SECTION 10. Provides for the making of regulations by the Board with the approval of the Lieutenant-Governor in Council. Clause (a) authorizes the extension of the definition of "industrial undertaking". Clause (b) authorizes the making of exemptions from the operation of the Act either generally or in particular cases, or at specific times and upon certain terms and conditions. Clause (c) implements the holiday provisions of section 2 of the Act. Clause (d) authorizes the making of regulations requiring employers to give notice to their employees of their rights under this Act, and clause (e) provides for the prescribing of the records which employers shall be required to keep.

SECTION 11. Provides penalties for infractions of the Act.



provided, shall be liable to a penalty of not less than \$25 nor more than \$500.

Penalty—
employees.

(3) Every employee who fails to comply with any provision of this Act or of any regulation or order made hereunder shall be liable to a penalty of not less than \$10 nor more than \$25.

Recovery of
penalties.

(4) The penalties provided by this section may be recovered in the manner prescribed by *The Summary Convictions Act*.

Rev. Stat.,
c. 136.

Conflict
with other
Acts.

12. Where there is conflict between the provisions of this Act or any regulation or order made hereunder and the provisions of any other Act of this Legislature or any regulation made thereunder, the provision which provides for shorter working hours shall prevail and in all questions of doubt or dispute the decision of the Board shall be final.

Expenses
of adminis-
tration.

13. The expenses incurred in the administration of this Act shall be paid out of such amounts as may be appropriated therefor by the Legislature.

Commence-
ment;
temporary
exemptions.

14. This Act shall come into force on the 1st day of July, 1944, but upon an application made to the Board either before or after such date by any employer or employers or by any representative group of employees engaged in an industrial undertaking or any branch thereof, the Board may, for the purpose of providing an opportunity for the making of an application under the other provisions of this Act, make such order as it deems necessary exempting such industrial undertaking or branch or any group or class of employees engaged therein from the provisions of this Act or the regulations upon such terms and subject to such conditions as it may prescribe, but no such order shall continue in force after the 31st day of December, 1944.

Short title.

15. This Act may be cited as *The Hours of Work and Holidays with Pay Act, 1944*.

SECTION 12. Deals with conflict between the provisions of this Act and any other Act.

SECTION 13. Provides for the payment of expenses incurred in administering the Act.

SECTION 14. Provides that the Act shall come into force on the 1st day of July, 1944, but in order to facilitate the satisfactory application of the Act to all industries it authorizes the Board to make exemptions from the Act for a period which shall not extend beyond the 31st day of December, 1944.

BILL

An Act respecting Hours of Work and
Holidays with Pay in Industrial
Undertakings.

1st Reading

April 3rd, 1944

2nd Reading

3rd Reading

MR. DALEY

No. 96

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act respecting Hours of Work and Vacations with Pay in Industrial Undertakings.

MR. DALEY

BILL

An Act respecting Hours of Work and Vacations with Pay in Industrial Undertakings.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpre-
tation,—

1. In this Act,—

"Board";
Rev. Stat.,
c. 69.

(a) "Board" shall mean the Industry and Labour Board constituted under *The Department of Labour Act*;

"employee";

(b) "employee" shall mean any person who is in receipt of or entitled to any compensation for labour or services performed for another;

"employer";

(c) "employer" shall include every person, firm, corporation, agent, manager, representative, contractor or sub-contractor having control direction of, or responsible, directly or indirectly, for the employment of any employee;

"industrial
undertak-
ing";

(d) "Industrial undertaking" shall mean,

(i) every establishment and undertaking and all work in or about any industry; and

(ii) any establishment, undertaking or work in or about any business, trade or occupation which may be prescribed by the regulations; and

"regula-
tions".

(e) "regulations" shall mean regulations made under this Act.

Limitation
of hours
of work.

2.—(1) Subject to the provisions of this Act, the working hours of an employee in any industrial undertaking shall not exceed eight in the day and forty-eight in the week.

Holidays.

(2) Subject to the provisions of this Act, every employee in an industrial undertaking shall be given a vacation of at least one week with pay for every working year of his employment.

3. Subsection 1 of section 2 shall not apply to a person holding a position of supervision or management or employed in a confidential capacity so long as the duties performed by him are entirely of a supervisory, managerial or confidential character and do not include any work or duty customarily performed by an employee and in case of dispute as to whether a person holds such a position or is so employed, the decision of the Board shall be final. Supervisors and confidential employees exempted.

4. Where in the opinion of the Board it is not feasible to apply the provisions of subsection 1 of section 2 or of the regulations in an industrial undertaking or branch thereof the Board may by order authorize such daily and weekly limit of working hours in the industrial undertaking or branch or by any class or group of employees, as may be agreed upon in writing between organizations or representatives of the employees and employers affected and as the Board may deem proper. Agreements.

5. Where in the opinion of the Board any industrial undertaking or branch thereof is a war industry and it is not feasible to apply the provisions of subsection 1 of section 2 or of the regulations, the Board may suspend the provisions of subsection 1 of section 2 or any of the provisions of the regulations with regard to such industrial undertaking or branch thereof or any class or group of employees so long as such industrial undertaking or branch continues to be a war industry, upon such terms and conditions as the Board deems advisable, or may, by order, authorize such working hours as it deems proper. War industries.

6. The limit of hours of work prescribed by subsection 1 of section 2 may be exceeded in case of accident, or in case of work urgently required to be done to machinery or plant, or in case of force majeure, but only so far as may be necessary to avoid serious interference with the ordinary working of the undertaking. Accidents,—exemptions.

7.—(1) The Board may hold an inquiry into the facts respecting any persons engaged or working in or about an industrial undertaking as members or alleged members of a partnership or association, or in the execution of any agreement or scheme of profit-sharing or co-operative or joint contract or undertaking, including the investigation of the contractual and other relations of the persons so engaged or working, as between themselves or as between them and their master or employer, and if the Board is of opinion that the partnership, association, agreement or scheme is intended or or has the effect, either directly or indirectly, of defeating the true intent and object of this Act the Board may make such order as it deems proper declaring any of such persons or any Inquiry into partnership, association or scheme.

class or group thereof to be employers and any of such persons or any class or group thereof to be employees for the purposes of this Act.

Powers of
chairman
on inquiry.

(2) For the purposes of any inquiry under this section the chairman of the Board shall have all the powers which may be vested in a commissioner appointed under *The Public Inquiries Act*.

Rev. Stat.,
c. 19.

Production
of records.

8.—(1) Every employer shall, on demand of the Board or the chairman or of any person authorized in writing by the Board or by the chairman, produce for inspection all records kept by him relating to the hours of labour of any person employed by him.

Time-clocks.

(2) The Board may by notice in writing require any employer forthwith, or within a time stated in the notice, to make provision for the true and correct recording of the hours of work of each of his employees, with respect to starting-time, stopping-time and rest intervals, by means of time-clocks or in such manner as the Board may direct.

Inspection
and produc-
tion of
records.

9.—(1) The Board or any member thereof, or any person authorized in writing by the chairman, may,—

- (a) inspect and examine all books, pay-rolls and other records of any employer which in any way relate to the hours of labour of any employees;
- (b) take extracts from or make copies of any entry in such books, pay-rolls and records;
- (c) require any employer to make or furnish full and correct statements, either orally or in writing in such form as may be required, respecting the hours of work of all or any of his employees, and require the statements to be made by the employer on oath or to be verified by his statutory declaration; and
- (d) require any employee to make full disclosure, production or delivery to the Board, or to the person so authorized, of all records, documents, statements, writing, books or papers, or extracts therefrom or copies thereof, or other information either verbal or in writing, as the employee may have in his possession or under his control and either verified on oath or otherwise as may be directed, which may in any way relate to his hours of work as an employee.

Power to
administer
oaths.

(2) Every member of the Board and every person authorized pursuant to subsection 1 shall have power to ad-

minister all oaths and take all affidavits and statutory declarations required or authorized to be made under the provisions of subsection 1, and to certify to the administration or taking thereof.

10. Subject to the approval of the Lieutenant-Governor in Regulations. Council, the Board may make regulations,—

- (a) prescribing any establishment undertaking or work in or about any business, trade or occupation which shall be deemed to be an industrial undertaking for the purposes of this Act;
- (b) prescribing industrial undertakings and branches thereof in which the working hours prescribed by subsection 1 of section 2 may be exceeded either by specified times or under specified conditions or generally, prescribing, in each case, the maximum of such excess and imposing terms and conditions in connection therewith;
- (c) for the purposes of subsection 2 of section 2, prescribing the working year in any industry in terms of weeks, days or hours with all reasonable allowances for overtime work, seasonal employment and other special conditions and where the working year is less than the equivalent of eight months of work at normal hours, providing for the pro-rationing of the vacation referred to in the said subsection.
- (d) providing for the application of the provisions of subsection 2 of section 2 where, owing to illness or other unavoidable absence an employee has been absent from his employment, and such other regulations as it may deem necessary for the due application and administration of such subsection;
- (e) requiring employers in any industrial undertaking or branch thereof to notify employees by the publication of such notices as it may determine or in such other manner as it may prescribe, of the provisions of this Act, any regulations or orders made hereunder, particulars of hours of work including the hours at which work begins and ends, the hours at which shifts change, particulars of rest periods and such other information as may be prescribed; and
- (f) prescribing the records which shall be kept and the returns which shall be made by employers.

11.—(1) Every employer who employs any person or permits any employee to work contrary to the provisions of this ^{Penalty—}employers.

Act or any regulations or order made hereunder, shall be liable to a penalty of not less than \$25 and not exceeding a total of \$5 in respect of each employee for each day during the continuance of such contravention.

Idem. (2) Every employer who fails to comply with any provision of this Act or the regulations or of any order or requirement of the Board, for the violation of which no other penalty is provided, shall be liable to a penalty of not less than \$25 nor more than \$500.

Penalty—employees. (3) Every employee who fails to comply with any provision of this Act or of any regulation or order made hereunder shall be liable to a penalty of not less than \$10 nor more than \$25.

Recovery of penalties. Rev. Stat., c. 136. (4) The penalties provided by this section may be recovered in the manner prescribed by *The Summary Convictions Act*.

Conflict with other Acts. **12.** Where there is conflict between the provisions of this Act or any regulation or order made hereunder and the provisions of any other Act of this Legislature or any regulation made thereunder, the provision which provides for shorter working hours shall prevail and in all questions of doubt or dispute the decision of the Board shall be final.

Expenses of administration. **13.** The expenses incurred in the administration of this Act shall be paid out of such amounts as may be appropriated therefor by the Legislature.

Commencement; temporary exemptions. **14.** This Act shall come into force on the 1st day of July, 1944, but upon an application made to the Board either before or after such date by any employer or employers or by any representative group of employees engaged in an industrial undertaking or any branch thereof, the Board may, for the purpose of providing an opportunity for the making of an application under the other provisions of this Act, make such order as it deems necessary exempting such industrial undertaking or branch or any group or class of employees engaged therein from the provisions of this Act or the regulations upon such terms and subject to such conditions as it may prescribe, but no such order shall continue in force after the 31st day of December, 1944.

Short title. **15.** This Act may be cited as *The Hours of Work and Vacations with Pay Act, 1944*.

An Act respecting Hours of Work and
Vacations with Pay in Industrial
Undertakings.

1st Reading

April 3rd, 1944

2nd Reading

April 4th, 1944

3rd Reading

April 5th, 1944

MR. DALEY

No. 97

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

The Statute Law Amendment Act, 1944.

MR. BLACKWELL

TORONTO
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HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 222,
amended.

1. *The Barristers Act* is amended by adding thereto the following section:

Who may
act as
barrister.

4a.—(1) Unless called and admitted to practise at the Bar in His Majesty's courts in Ontario, no person shall act as a barrister in any court of civil or criminal jurisdiction or before any justice of the peace, or hold himself out or represent himself to be entitled to practise at the Bar in His Majesty's courts of Ontario.

Penalty.

(2) Everyone who violates the provisions of subsection 1 shall be guilty of an offence and liable to a penalty of not more than \$100 for a first offence nor more than \$200 for a second or subsequent offence.

Recovery of
penalties.

Rev. Stat.,
c. 136.

(3) The penalties imposed by this section may be recovered in the manner provided by *The Summary Convictions Act* or upon application by the society to a judge of the Supreme Court by originating notice.

Where pro-
ceedings
taken under
subs. 3.

(4) Where proceedings by originating notice are taken under subsection 3 the rules of practice of the Supreme Court shall apply.

Order of
judge.

(5) The judge upon finding that any person has violated the provisions of subsection 1 may, in addition to ordering payment of the penalties, make an order enjoining him from practising or holding himself out as being entitled to practise at the Bar in His Majesty's courts of Ontario.

Enforce-
ment of
Order.

(6) Any order made under this section may be enforced in the same manner as any other order or judgment of the Supreme Court and may be varied or dis-

EXPLANATORY NOTES

SECTION 1. A prohibition against unauthorized practicing as a barrister is prescribed and penalties provided. Procedure for the recovery of the penalties is similar to that under *The Solicitors Act*.

charged upon an application made by originating notice.

Application
of section.

- (7) This section shall be read and construed subject to the provisions of any statute which authorizes the appearance of a person other than a barrister in court.

Penalties
to whom
paid.

- (8) The penalties recovered under this section shall be paid to the Treasurer of Ontario.

Rev. Stat.,
c. 140, s. 12,
subs. 2,
amended.

2. Subsection 2 of section 12 of *The Constables Act* is amended by striking out the words "city or to a town" in the first line and inserting in lieu thereof the word "municipality", so that the said subsection shall now read as follows:

Exception.

- (2) This section shall not apply to a municipality having a board of commissioners of police.

Rev. Stat.,
c. 173, s. 13,
subs. 1,
amended.

3. Subsection 1 of section 13 of *The Custody of Documents Act* is amended by striking out the words "within five years" in the first line, so that the said subsection shall now read as follows:

Application
to remove
from
custody.

- (1) At any time after the deposit of a document any person may apply to the Supreme Court or to the county or district court of the county or district in which the deposit is made, or to a judge of either of such courts, for the delivery of the document to such person, and the court or judge may direct that the same shall be delivered by the registrar to the applicant, or to any person the court or judge directs, upon being satisfied that the applicant would, but for the deposit, be solely entitled to the possession of the document, and that the deposit thereof was made without his consent, or the consent of any person entitled at the time of the deposit to any interest therein, and, where the document relates to other land than that in which the applicant is interested, that there are reasonable grounds for removing the documents from the custody of the registrar.

Rev. Stat.,
c. 39, s. 16,
re-enacted.

4. Section 16 of *The Forestry Act* is repealed and the following substituted therefor:

Ontario
Forest
Resources
Commis-
sion.

- 16.—(1) There shall be a commission to be known as The Ontario Forest Resources Commission consisting of a chairman and not more than four other members, all of whom shall be appointed by the Lieutenant-Governor in Council.

SECTION 2. The operation of the section is limited to municipalities in which there is no police commission. This amendment is complementary to the current amendments to *The Municipal Act* extending the power to constitute police commissions to villages having a population of more than 5,000.

SECTION 3. The five year limitation provision is removed from the subsection as it serves no useful purpose.

SECTION 4. The Ontario Forest Resources Commission is constituted and its powers prescribed.

Powers of
Commission.

- (2) The Commission may,
 - (a) carry on research work, studies and investigations having for their objects,
 - (i) the conservation, development and beneficial utilization of the forest lands of Ontario, and
 - (ii) the improvement of methods of planting; developing, utilizing and marketing forest trees upon Crown lands and the lands of lessees, licensees and concessionaires of the Crown;
 - (b) exercise such powers and perform such duties as may be vested in or imposed upon it by the Lieutenant-Governor in Council; and
 - (c) generally do such things as it deems necessary or advisable to protect and utilize to the best advantage the forest resources of Ontario.
- (3) The salaries and expenses of The Ontario Forest Resources Commission shall be paid out of the Consolidated Revenue Fund.

Salaries and
expenses.

5.—(1) Subsection 5 of section 114 of *The Insurance Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 256, s. 114,
subs. 5,
re-enacted.

- (5) The directors may declare a refund from surplus provided that

Refund
from
surplus.

- (a) on the effective date of the refund the net surplus of the insurer after deducting the total amount of the refund shall, in terms of cents per hundred dollars of net insurance in force, be not less than the amount set out in the following table, or, in the case of an insurer with less than two million dollars of net insurance in force, such other amount as shall be approved by the Superintendent;
- (b) except as hereinafter provided, the refund shall apply on all policies in force on the effective date thereof;
- (c) the refund on each policy shall be in the same ratio to the total refund as the face value of the premium note is to the total face value of all premium notes in force at date of refund, or, that the refund on each policy shall be a fixed percentage of the annual instalment or of one-third of the cash payment for three years in advance, as the case may be; and

SECTION 5. Certain of the procedural requirements of the section of *The Insurance Act* which provides for the making of refunds from surplus to policy holders by farm mutual insurance companies are removed as being unduly restrictive and the method is left to the discretion of the directors.

- (d) the by-laws of the insurer require that refunds shall be payable only to members insured continuously in the said insurer during the three years preceding the effective date of the refund.

TABLE

When the total net amount at risk is greater than \$25,000,000.....	\$ 0.60
When the total net amount at risk is greater than \$10,000,000.....	.70
When the total net amount at risk is greater than \$5,000,000.....	.80
When the total net amount at risk is greater than \$2,000,000.....	1.00

Rev. Stat., c. 256, s. 114, amended. (2) The said section 114 is amended by adding thereto the following subsection:

Where subs. 5 to apply.

- (7) Subject to the exceptions in subsection 6, the provisions of subsection 5 shall apply to any distribution of surplus to members other than a distribution for the purposes of winding-up or reinsurance of the insurer.

Rev. Stat., c. 256, s. 205, subs. 5, amended.

6.—(1) Subsection 5 of section 205 of *The Insurance Act* is amended by adding at the commencement thereof the words "Subject to subsection 5a", so that the said subsection shall now read as follows:

Defence where excess or extended coverage.

- (5) Subject to subsection 5a, where a policy provides for coverage in excess of the limits mentioned in section 202 or for extended coverage in pursuance of section 203, nothing in this section shall, with respect to such excess coverage or extended coverage, prevent the insurer from availing itself, as against any claimant, of any defence which the insurer is entitled to set up against the insured.

Rev. Stat., c. 256, s. 205, amended. (2) The said section 205 is amended by adding thereto the following subsection:

Extended Coverage,—where subs. 5 to apply.

- (5a) Where a policy provides for extended coverage in respect of loss or damage resulting from bodily injury to, or the death of, any person being carried in or upon, or entering, or getting on to, or alighting from, an automobile operated in the business of carrying passengers for compensation or hire subsection 5 shall apply only to that part of such extended coverage,—

SECTION 6—Subsections 1 and 2. The absolute liability provisions of *The Insurance Act* are extended to apply to passengers in cars operated for hire or compensation.

- (a) which exceeds any minimum coverage required by this Act; or
- (b) where a greater minimum coverage is required by or pursuant to any other Act of, or in force in, the province, which exceeds such greater minimum coverage.

Rev. Stat.,
c. 256, s. 205,
subs. 7,
re-enacted.

(3) Subsection 7 of the said section 205 is repealed and the following substituted therefor:

Insurer
may be
made third
party.

- (7) Where an insurer denies liability under a motor vehicle liability policy it shall have the right upon application to the court to be made a third party in any action to which the insured is a party and in which a claim is made against the insured by any party to the action for which it is or might be asserted that indemnity is provided by the said policy, whether or not the insured enters an appearance or defence in such action, and upon being made a third party such insurer shall have the right to contest the liability of the insured to any party claiming against the insured, and to contest the amount of any claim made against the insured to the same extent as if a defendant in the action, including for such purpose the right to deliver a statement of defence to the claim of any party claiming against the insured and to deliver other pleadings and to have production and discovery from any party adverse in interest and the right to examine and cross-examine witnesses at the trial.

Rev. Stat.,
c. 256, s. 230,
cl. c,
amended.

7. Clause *c* of section 230 of *The Insurance Act* is amended by inserting after the word "lives" in the third line the words "other than annuities issued as part of or arising directly from contracts of life insurance", so that the said clause shall now read as follows:

- (c) if it undertakes old age or endowment insurance other than as authorized in sections 254 and 255, or annuities upon lives other than annuities issued as part of or arising directly from contracts of life insurance; or

Rev. Stat.,
c. 108, s. 3,
subs. 1,
cl. *m*
(1941,
c. 25, s. 1),
amended.

8. Clause *m* of subsection 1 of section 3 of *The Jurors Act* as re-enacted by section 1 of *The Jurors Amendment Act, 1941*, is amended by striking out the word "and" in the first line and by inserting after the word "surgeon" in the first line the words "pharmaceutical chemist and veterinary surgeon", so that the said clause shall now read as follows:

Subsection 3. Provision is made for an insurance company to be added as a third party in any action against its insured with the same right to defend as if it were a defendant in the action.

SECTION 7. Heretofore fraternal societies were not permitted to write annuity contracts. The amendment makes provision for such contracts to be written as part of their life insurance contracts.

SECTION 8. Due to the lack of qualified help experienced by pharmaceutical chemists and veterinary surgeons, members of these professions in actual practice are exempted from jury service.

- (m) Every physician, surgeon, dental surgeon, pharmaceutical chemist and veterinary surgeon qualified to practice, and in actual practice.

Rev. Stat.,
c. 221, s. 5,
amended.

9.—(1) Section 5 of *The Law Society Act* is amended by inserting after the word “justice” in the first line the word “and”, and by striking out the words “and every person who has held either of those offices” in clause *a* and the words “and every person who has held that office” in clause *b*, so that the first two lines of the section and the said clauses shall now read as follows:

Ex officio
benchers.

5. The following, if and while continuing members of the Bar of Ontario, shall, *ex officio*, be benchers of the Society:

- (a) The Minister of Justice and the Solicitor-General of Canada;
- (b) The Attorney-General for Ontario;
-

Exceptions.

(2) The amendments made by subsection 1 shall not be deemed to affect the right of any person who is a bencher at the time of the coming into force of this section, to be a bencher.

Rev. Stat.,
c. 294, s. 1,
cl. m,
re-enacted.

10.—(1) Clause *m* of section 1 of *The Liquor Control Act* is repealed and the following substituted therefor:

“Ontario
wine.”

- (m) “Ontario wine” shall mean wine produced from grapes or cherries grown in Ontario or the concentrated juice thereof and shall include Ontario wine to which has been added herbs, water, honey, sugar or the distillate of Ontario wine.

Rev. Stat.,
c. 294,
amended.

(2) Wherever in *The Liquor Control Act* or the regulations made thereunder,—

“Native
wine.”

- (a) the expression “native wine” appears it shall be struck out and the expression “Ontario wine” inserted in lieu thereof;

“manufac-
ture”;
“manufac-
turer.”

- (b) the expression “manufacture”, “manufactured” or “manufacturer” appears in relation to the manufacture of native wine, they shall be struck out and the expressions “produce”, “produced” and “producer” respectively, inserted in lieu thereof.

Rev. Stat.,
c. 257, s. 105,
repealed.

11. Section 105 of *The Loan and Trust Corporations Act* is repealed.

SECTION 9. Under present law every person who becomes Minister of Justice or Solicitor-General of Canada, or Attorney-General for Ontario becomes a bencher of the Law Society of Upper Canada for life. The amendment provides that such persons by virtue of their office shall be benchers only during their period of office but does not interfere with the continuance as benchers of persons who are now benchers by reason of holding one of such offices.

SECTION 10. The term "native wine" in *The Liquor Control Act* is replaced by the expression "Ontario wine."

SECTION 11. This section deals with the transfer of shares of loan and trust corporations.

Under section 156 of the Act, the provisions of *The Companies Act* (section 62) dealing with the transfer of shares, apply to loan and trust corporations. The provision is therefore unnecessary and is repealed.

Rev. Stat.,
c. 257,
s. 110,
subs. 1,
re-enacted.

12. Subsection 1 of section 110 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor:

Record
books to
be kept, and
contents
thereof.

(1) Every corporation having its head office in Ontario shall cause the secretary, or some other officer specially charged with that duty, to keep a book or books wherein shall be kept recorded,—

- (a) a copy of the letters patent and of any supplementary letters patent issued to the corporation and, if incorporated by special Act, a copy of such Act, and the by-laws of the corporation duly authenticated;
- (b) the names, alphabetically arranged, of all persons who are and who have been shareholders or members of the corporation;
- (c) the post office address and calling of every such person while he is a shareholder or member;
- (d) the names, post office addresses and callings of all persons who are or have been directors of the corporation, with the date at which each person became or ceased to be such a director;
- (e) the number of shares held by each shareholder;
- (f) the amounts paid in, and remaining unpaid, respectively, on the shares of each shareholder; and
- (g) the date and other particulars of all transfers of shares in the order of the making of such transfers.

Books to
be kept
at head
office.

(1a) The books mentioned in subsection 1 shall be kept at the head office of the corporation within Ontario.

Penalty.

(1b) Any director, officer or employee of a corporation who removes or assists in removing such books from Ontario or who otherwise contravenes the provisions of this section shall incur a penalty of \$200.

Relief from
operation
of section.

(1c) Upon necessity therefor being shown and adequate assurance given that such books may be inspected within Ontario by any person entitled thereto after application for such inspection to the Registrar, the Lieutenant-Governor in Council may relieve any

SECTION 12. The section deals with books and records to be kept by loan and trust corporations. The amendment brings the section into line with similar provisions contained in section 101 of *The Companies Act*.

corporation from the provisions of this section upon such terms as he may see fit.

Rev. Stat.,
c. 62, s. 21,
subs. 5,
amended.

13. Subsection 5 of subsection 21 of *The Power Commission Act* is amended by striking out the word "authorize" in the second line and inserting in lieu thereof the word "authorized", so that the said subsection shall now read as follows:

Procedure.

- (5) Except as otherwise provided in this Act the Commission shall, in the exercise of its compulsory powers authorized by this section and section 28, proceed in the manner provided by *The Public Works Act*, where the Minister of Public Works takes land or property for the use of Ontario, and all the provisions of that Act with respect to the fixing, payment and application of compensation shall *mutatis mutandis* apply.

Rev. Stat.,
c. 106, s. 65,
subs. 14,
amended.

14. Subsection 14 of section 65 of *The Surrogate Courts Act* is amended by striking out the word "country" in the seventh line and inserting in lieu thereof the word "county", so that the said subsection shall now read as follows:

Rules of
Supreme
Court shall
apply.

- (14) The provisions of the rules of the Supreme Court so far as the same are applicable shall apply to every application for such commission or order for examination; the issue, execution, enforcement and return thereof and the judge shall have power to award costs of all such proceedings according to the tariff in force from time to time for like services in county courts.

Rev. Stat.,
c. 106,
amended.

15. *The Surrogate Courts Act* is amended by striking out the heading "ANCILLARY PROBATES AND LETTERS OF ADMINISTRATION" immediately preceding section 72 and insert in lieu thereof the heading "RESEALING PROBATES AND LETTERS OF ADMINISTRATION".

Allowance to
magistrates.

16. Every person,—

- (a) who on the 30th day of June, 1941, held the position of magistrate on a full time basis;
- (b) whose salary was or is paid by the Province;
- (c) who pursuant to the provisions of *The Magistrates Amendment Act, 1941*, has ceased or hereafter ceases to hold office; and
- (d) who is not entitled to any allowance under the superannuation provisions of *The Public Service Act*,

1941, c. 28.

Rev. Stat.
c. 15.

SECTION 13. This corrects a typographical error.

SECTION 14. This corrects a typographical error.

SECTION 15. This is a correction for accuracy.

SECTION 16. The section provides a retirement allowance of seventy-five dollars per month for full-time magistrates, retired under the compulsory retirement provisions passed in 1941, where they are not entitled to a superannuation allowance under *The Public Service Act*.

shall from the date upon which he ceased or ceases to hold office receive an allowance of seventy-five dollars per month payable out of the Consolidated Revenue Fund.

Short title.

17. This Act may be cited as *The Statute Law Amendment Act, 1944*.





BILL

The Statute Law Amendment Act, 1944.

1st Reading

April 3rd, 1944.

2nd Reading

3rd Reading

MR. BLACKWELL

No. 97

1ST SESSION, 21ST LEGISLATURE, ONTARIO
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Penalty.

(2) Everyone who violates the provisions of subsection 1 shall be guilty of an offence and liable to a penalty of not more than \$100 for a first offence nor more than \$200 for a second or subsequent offence.

Recovery of
penalties.

Rev. Stat.,
c. 136.

(3) The penalties imposed by this section may be recovered in the manner provided by *The Summary Convictions Act* or upon application by the society to a judge of the Supreme Court by originating notice.

Where pro-
ceedings
taken under
subs. 3.

(4) Where proceedings by originating notice are taken under subsection 3 the rules of practice of the Supreme Court shall apply.

Order of
judge.

(5) The judge upon finding that any person has violated the provisions of subsection 1 may, in addition to ordering payment of the penalties, make an order enjoining him from practising or holding himself out as being entitled to practise at the Bar in His Majesty's courts of Ontario.

Enforce-
ment of
Order.

(6) Any order made under this section may be enforced in the same manner as any other order or judgment of the Supreme Court and may be varied or dis-

charged upon an application made by originating notice.

- (7) This section shall be read and construed subject to the provisions of any statute which authorizes the appearance of a person other than a barrister in court. Application of section.

- (8) The penalties recovered under this section shall be paid to the Treasurer of Ontario. Penalties to whom paid.

2. Subsection 2 of section 12 of *The Constables Act* is amended by striking out the words "city or to a town" in the first line and inserting in lieu thereof the word "municipality", so that the said subsection shall now read as follows: Rev. Stat., c. 140, s. 12, subs. 2, amended.

- (2) This section shall not apply to a municipality having a board of commissioners of police. Exception.

3. Subsection 1 of section 13 of *The Custody of Documents Act* is amended by striking out the words "within five years" in the first line, so that the said subsection shall now read as follows: Rev. Stat., c. 173, s. 13, subs. 1, amended.

- (1) At any time after the deposit of a document any person may apply to the Supreme Court or to the county or district court of the county or district in which the deposit is made, or to a judge of either of such courts, for the delivery of the document to such person, and the court or judge may direct that the same shall be delivered by the registrar to the applicant, or to any person the court or judge directs, upon being satisfied that the applicant would, but for the deposit, be solely entitled to the possession of the document, and that the deposit thereof was made without his consent, or the consent of any person entitled at the time of the deposit to any interest therein, and, where the document relates to other land than that in which the applicant is interested, that there are reasonable grounds for removing the documents from the custody of the registrar. Application to remove from custody.

4. Section 16 of *The Forestry Act* is repealed and the following substituted therefor: Rev. Stat., c. 39, s. 16, re-enacted.

- 16.—(1) There shall be a commission to be known as The Ontario Forest Resources Commission consisting of a chairman and not more than four other members, all of whom shall be appointed by the Lieutenant-Governor in Council. Ontario Forest Resources Commission.

Powers of
Commission.

(2) The Commission may,

- (a) carry on research work, studies and investigations having for their objects,
 - (i) the conservation, development and beneficial utilization of the forest lands of Ontario, and
 - (ii) the improvement of methods of planting, developing, utilizing and marketing forest trees upon Crown lands and the lands of lessees, licensees and concessionaires of the Crown;
- (b) exercise such powers and perform such duties as may be vested in or imposed upon it by the Lieutenant-Governor in Council; and
- (c) generally do such things as it deems necessary or advisable to protect and utilize to the best advantage the forest resources of Ontario.

(3) The salaries and expenses of The Ontario Forest Resources Commission shall be paid out of the Consolidated Revenue Fund.

Salaries and
expenses.

5.—(1) Subsection 5 of section 114 of *The Insurance Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 256, s. 114,
subs. 5,
re-enacted.

(5) The directors may declare a refund from surplus provided that

Refund
from
surplus.

- (a) on the effective date of the refund the net surplus of the insurer after deducting the total amount of the refund shall, in terms of cents per hundred dollars of net insurance in force, be not less than the amount set out in the following table, or, in the case of an insurer with less than two million dollars of net insurance in force, such other amount as shall be approved by the Superintendent;
- (b) except as hereinafter provided, the refund shall apply on all policies in force on the effective date thereof;
- (c) the refund on each policy shall be in the same ratio to the total refund as the face value of the premium note is to the total face value of all premium notes in force at date of refund, or, that the refund on each policy shall be a fixed percentage of the annual instalment or of one-third of the cash payment for three years in advance, as the case may be; and

- (d) the by-laws of the insurer require that refunds shall be payable only to members insured continuously in the said insurer during the three years preceding the effective date of the refund.

TABLE

When the total net amount at risk is greater than \$25,000,000.....	\$ 0.60
When the total net amount at risk is greater than \$10,000,000.....	.70
When the total net amount at risk is greater than \$5,000,000.....	.80
When the total net amount at risk is greater than \$2,000,000.....	1.00

- (2) The said section 114 is amended by adding thereto the following subsection: Rev. Stat., c. 256, s. 114, amended.

- (7) Subject to the exceptions in subsection 6, the provisions of subsection 5 shall apply to any distribution of surplus to members other than a distribution for the purposes of winding-up or reinsurance of the insurer. Where subs. 5 to apply.

6.—(1) Subsection 5^m of section 205 of *The Insurance Act* is amended by adding at the commencement thereof the words "Subject to subsection 5a", so that the said subsection shall now read as follows: Rev. Stat., c. 256, s. 205, subs. 5, amended.

- (5) Subject to subsection 5a, where a policy provides for coverage in excess of the limits mentioned in section 202 or for extended coverage in pursuance of section 203, nothing in this section shall, with respect to such excess coverage or extended coverage, prevent the insurer from availing itself, as against any claimant, of any defence which the insurer is entitled to set up against the insured. Defence where excess or extended coverage.

- (2) The said section 205 is amended by adding thereto the following subsection: Rev. Stat., c. 256, s. 205, amended.

- (5a) Where a policy provides for extended coverage in respect of loss or damage resulting from bodily injury to, or the death of, any person being carried in or upon, or entering, or getting on to, or alighting from, an automobile operated in the business of carrying passengers for compensation or hire subsection 5 shall apply only to that part of such extended coverage,— Extended coverage,— where subs. 5 to apply.

- (a) which exceeds any minimum coverage required by this Act; or
- (b) where a greater minimum coverage is required by or pursuant to any other Act of, or in force in, the province, which exceeds such greater minimum coverage.

Rev. Stat.,
c. 256, s. 205,
subs. 7,
re-enacted.

(3) Subsection 7 of the said section 205 is repealed and the following substituted therefor:

Insurer
may be
made third
party.

- (7) Where an insurer denies liability under a motor vehicle liability policy it shall have the right upon application to the court to be made a third party in any action to which the insured is a party and in which a claim is made against the insured by any party to the action for which it is or might be asserted that indemnity is provided by the said policy, whether or not the insured enters an appearance or defence in such action, and upon being made a third party such insurer shall have the right to contest the liability of the insured to any party claiming against the insured, and to contest the amount of any claim made against the insured to the same extent as if a defendant in the action, including for such purpose, the right to deliver a statement of defence to the claim of any party claiming against the insured and to deliver other pleadings and to have production and discovery from any party adverse in interest and the right to examine and cross-examine witnesses at the trial.

Rev. Stat.,
c. 256, s. 230,
cl. c,
amended.

7. Clause *c* of section 230 of *The Insurance Act* is amended by inserting after the word "lives" in the third line the words "other than annuities issued as part of or arising directly from contracts of life insurance", so that the said clause shall now read as follows:

- (c) if it undertakes old age or endowment insurance other than as authorized in sections 254 and 255, or annuities upon lives other than annuities issued as part of or arising directly from contracts of life insurance; or

Rev. Stat.,
c. 108, s. 3,
subs. 1,
cl. m
(1941,
c. 25, s. 1),
amended.

8. Clause *m* of subsection 1 of section 3 of *The Jurors Act* as re-enacted by section 1 of *The Jurors Amendment Act, 1941*, is amended by striking out the word "and" in the first line and by inserting after the word "surgeon" in the first line the words "pharmaceutical chemist and veterinary surgeon", so that the said clause shall now read as follows:

- (m) Every physician, surgeon, dental surgeon, pharmaceutical chemist and veterinary surgeon qualified to practice, and in actual practice.

9.—(1) Section 5 of *The Law Society Act* is amended by inserting after the word “justice” in the first line the word “and”, and by striking out the words “and every person who has held either of those offices” in clause *a* and the words “and every person who has held that office” in clause *b*, so that the first two lines of the section and the said clauses shall now read as follows:

Rev. Stat.,
c. 221, s. 5,
amended.

5. The following, if and while continuing members of the Bar of Ontario, shall, *ex officio*, be benchers of the Society:

Ex officio
benchers.

(a) The Minister of Justice and the Solicitor-General of Canada;

(b) The Attorney-General for Ontario;

.

(2) The amendments made by subsection 1 shall not be deemed to affect the right of any person who is a bencher at the time of the coming into force of this section, to be a bencher.

Exceptions.

10.—(1) Clause *m* of section 1 of *The Liquor Control Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 294, s. 1,
cl. *m*,
re-enacted.

- (m) “Ontario wine” shall mean wine produced from grapes or cherries grown in Ontario or the concentrated juice thereof and shall include Ontario wine to which has been added herbs, water, honey, sugar or the distillate of Ontario wine.

“Ontario
wine.”

(2) Wherever in *The Liquor Control Act* or the regulations made thereunder,—

Rev. Stat.,
c. 294,
amended.

- (a) the expression “native wine” appears it shall be struck out and the expression “Ontario wine” inserted in lieu thereof;

“Native
wine.”

- (b) the expression “manufacture”, “manufactured” or “manufacturer” appears in relation to the manufacture of native wine, they shall be struck out and the expressions “produce”, “produced” and “producer” respectively, inserted in lieu thereof.

“manufac-
ture”;
“manufac-
turer.”

11. Section 105 of *The Loan and Trust Corporations Act* is repealed.

Rev. Stat.,
c. 257, s. 105,
repealed.

Rev. Stat.,
c. 257,
s. 110,
subs. 1,
re-enacted.

12. Subsection 1 of section 110 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor:

Record
books to
be kept, and
contents
thereof.

(1) Every corporation having its head office in Ontario shall cause the secretary, or some other officer specially charged with that duty, to keep a book or books wherein shall be kept recorded,—

- (a) a copy of the letters patent and of any supplementary letters patent issued to the corporation and, if incorporated by special Act, a copy of such Act, and the by-laws of the corporation duly authenticated;
- (b) the names, alphabetically arranged, of all persons who are and who have been shareholders or members of the corporation;
- (c) the post office address and calling of every such person while he is a shareholder or member;
- (d) the names, post office addresses and callings of all persons who are or have been directors of the corporation, with the date at which each person became or ceased to be such a director;
- (e) the number of shares held by each shareholder;
- (f) the amounts paid in, and remaining unpaid, respectively, on the shares of each shareholder; and
- (g) the date and other particulars of all transfers of shares in the order of the making of such transfers.

Books to
be kept
at head
office.

Penalty.

- (1a) The books mentioned in subsection 1 shall be kept at the head office of the corporation within Ontario.
- (1b) Any director, officer or employee of a corporation who removes or assists in removing such books from Ontario or who otherwise contravenes the provisions of this section shall incur a penalty of \$200.

Relief from
operation
of section.

- (1c) Upon necessity therefor being shown and adequate assurance given that such books may be inspected within Ontario by any person entitled thereto after application for such inspection to the Registrar, the Lieutenant-Governor in Council may relieve any

corporation from the provisions of this section upon such terms as he may see fit.

13. Subsection 5 of section 21 of *The Power Commission Act* is amended by striking out the word "authorize" in the second line and inserting in lieu thereof the word "authorized", so that the said subsection shall now read as follows: Rev. Stat.,
c. 62, s. 21,
subs. 5,
amended.

(5) Except as otherwise provided in this Act the Commission shall, in the exercise of its compulsory powers authorized by this section and section 28, proceed in the manner provided by *The Public Works Act*, where the Minister of Public Works takes land or property for the use of Ontario, and all the provisions of that Act with respect to the fixing, payment and application of compensation shall *mutatis mutandis* apply. Procedure.
Rev. Stat.,
c. 54.

14. Subsection 14 of section 65 of *The Surrogate Courts Act* is amended by striking out the word "country" in the seventh line and inserting in lieu thereof the word "county", so that the said subsection shall now read as follows: Rev. Stat.,
c. 106, s. 65,
subs. 14,
amended.

(14) The provisions of the rules of the Supreme Court so far as the same are applicable shall apply to every application for such commission or order for examination; the issue, execution, enforcement and return thereof and the judge shall have power to award costs of all such proceedings according to the tariff in force from time to time for like services in county courts. Rules of
Supreme
Court shall
apply.

15. *The Surrogate Courts Act* is amended by striking out the heading "ANCILLARY PROBATES AND LETTERS OF ADMINISTRATION" immediately preceding section 72 and inserting in lieu thereof the heading "RESEALING PROBATES AND LETTERS OF ADMINISTRATION". Rev. Stat.,
c. 106,
amended.

16. Every person,—

Allowance to
magistrates.

(a) who on the 30th day of June, 1941, held the position of magistrate on a full time basis;

(b) whose salary was or is paid by the Province;

(c) who pursuant to the provisions of *The Magistrates Amendment Act, 1941*, has ceased or hereafter ceases to hold office; and 1941, c. 28.

(d) who is not entitled to any allowance under the superannuation provisions of *The Public Service Act*, Rev. Stat.
c. 15.



shall from the date upon which he ceased or ceases to hold office receive an allowance of seventy-five dollars per month payable out of the Consolidated Revenue Fund.

Short title.

17. This Act may be cited as *The Statute Law Amendment Act, 1944*.

BILL

The Statute Law Amendment Act, 1944.

1st Reading

April 3rd, 1944.

2nd Reading

April 4th, 1944

3rd Reading

April 5th, 1944

MR. BLACKWELL

No. 98

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Mining Act.

MR. FROST

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Mining Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 47, s. 78,
subs. 11,
re-enacted.

1. Subsection 11 of section 78 of *The Mining Act* is repealed and the following substituted therefor:

Geo-physical
survey.

(11) The actual cost of a geo-physical survey, of a type approved by the Minister, of a mining claim may be recorded as work on such claim at the rate of one day's work for each \$5 so spent not exceeding a total of one hundred days' work in respect of each claim, but credit for such work shall be cancelled by the recorder unless proof of such actual cost together with plans and a statement of the results of the survey are submitted to and accepted by the Minister or the Deputy Minister within sixty days of the recording of the work.

Power
stripping.

(11a) The actual cost of stripping by power driven mechanical equipment or equipment other than manual labour may be recorded as work on a mining claim at the rate of one day's work for each \$5 so spent not exceeding one hundred days' work in respect of each claim, but credit for such work shall be cancelled unless proof of such actual cost is submitted to and accepted by the Minister or the Deputy Minister within thirty days of the recording of such work.

Rev. Stat.,
c. 47, s. 80,
subs. 1
(1939,
c. 27, s. 10),
amended.

2.—(1) Subsection 1 of section 80 of *The Mining Act* as re-enacted by section 10 of *The Mining Amendment Act, 1939*, is amended by inserting after the word "performed" in the third line the words "or the money required for patent or lease is not paid", and by inserting after the word "work" in the fifth line the words "or the payment of such money", so that the said subsection shall now read as follows:

EXPLANATORY NOTES

SECTION 1. Provision is made for crediting geo-physical work and power operated stripping as work done on a mining claim for the purposes of the Act.

SECTION 2. Provision is made for extending the time for the payment of moneys required to be paid in respect of a patent or lease where there are pending proceedings owing to incapacity from illness.

Extension
of time.

- (1) If by reason of pending proceedings or incapacity from illness of the holder of a mining claim, the work is not performed or the money required for patent or lease is not paid within the prescribed time, the recorder may extend the time for the performance of such work or the payment of such money for periods not exceeding three months.

Rev. Stat.,
c. 47, s. 80,
subs. 1a
(1939, c. 27,
s. 10),
amended.

(2) Subsection 1a of the said section 80 as enacted by section 10 of *The Mining Amendment Act, 1939*, is amended by inserting after the word "performed" in the first line the words "or payment for patent or lease has not been made", and by adding at the end thereof the words "or paying such money", so that the said subsection shall now read as follows:

Where
extension
because of
illness.

- (1a) Where such work has not been performed or payment for patent or lease has not been made because of the incapacity from illness of the holder of such claim, the recorder may extend the time only upon the production and filing with him of a certificate of a duly qualified medical practitioner indicating that such holder has by reason of illness been rendered incapable of performing such work or paying such money.

Rev. Stat.,
c. 47, s. 86,
subs. 1,
amended.

3.—(1) Subsection 1 of section 86 of *The Mining Act* is amended by striking out the words "within six months after default, or the Minister at any time after such six months, on report of the Judge" in the second, third and fourth lines, so that the said subsection shall now read as follows:

Relief
against
forfeiture.

- (1) Where forfeiture or loss of rights has occurred under section 85, the Judge may, upon such terms as he may deem just, make an order relieving the person in default from such forfeiture or loss of rights, and upon compliance with the terms, if any, so imposed the interest or rights forfeited or lost shall revert in the person so relieved, but as a term of such order in the case mentioned in clause *a* of subsection 1 of section 85, the holder of the claim shall obtain a special renewal license, which shall be so marked and which shall be issued only on payment of twice the prescribed license fee, and in the case mentioned in clause *d* of the said subsection the holder shall file a proper report and pay therewith a special fee of \$3.

Rev. Stat.,
c. 47, s. 86,
subs. 3a
(1939,
c. 27, s. 11),
amended.

(2) Subsection 3a of the said section 86 as enacted by section 11 of *The Mining Amendment Act, 1939*, is amended by striking out the words "or Minister" in the first line and the words "or the Judge" in the first and second lines, so that the said subsection shall now read as follows:

SECTION 3. Orders relieving from forfeiture will hereafter be made only by the Judge, the power of the Minister to make such orders being revoked by this amendment.

Extension
of time for
performance
of work.

- (3a) Where the Judge under subsection 1 or under subsection 3 extends the time for performing the work, the report of the performance thereof shall be made within such extended time.

Rev. Stat.,
c. 47, s. 94,
amended.

4. Section 94 of *The Mining Act* is amended by adding thereto the following subsection:

Exclusion
of portion
of surface
rights.

- (2) The Judge or the recorder may exclude from any mining claim such portion of the surface rights as may be necessary for the occupation and utilization of buildings or improvements erected or made thereon prior to the time such mining claim was staked out.

Short title.

5. This Act may be cited as *The Mining Amendment Act, 1944*.

SECTION 4. Portions of a mining claim required for the occupation or utilization of buildings or improvements may be excluded from such claim.

An Act to amend The Mining Act.

1st Reading

April 3rd, 1944

2nd Reading

3rd Reading

MR. FROST

No. 98

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Mining Act.

MR. FROST

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Mining Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 47, s. 78,
subs. 11,
re-enacted.

1. Subsection 11 of section 78 of *The Mining Act* is repealed and the following substituted therefor:

Geo-physical
survey.

(11) The actual cost of a geo-physical survey, of a type approved by the Minister, of a mining claim may be recorded as work on such claim at the rate of one day's work for each \$5 so spent not exceeding a total of one hundred days' work in respect of each claim, but credit for such work shall be cancelled by the recorder unless proof of such actual cost together with plans and a statement of the results of the survey are submitted to and accepted by the Minister or the Deputy Minister within sixty days of the recording of the work.

Power
stripping.

(11a) The actual cost of stripping by power driven mechanical equipment or equipment other than manual labour may be recorded as work on a mining claim at the rate of one day's work for each \$5 so spent not exceeding one hundred days' work in respect of each claim, but credit for such work shall be cancelled unless proof of such actual cost is submitted to and accepted by the Minister or the Deputy Minister within thirty days of the recording of such work.

Rev. Stat.,
c. 47, s. 80,
subs. 1
(1939,
s. 27, s. 10),
amended.

2.—(1) Subsection 1 of section 80 of *The Mining Act* as re-enacted by section 10 of *The Mining Amendment Act, 1939*, is amended by inserting after the word "performed" in the third line the words "or the money required for patent or lease is not paid", and by inserting after the word "work" in the fifth line the words "or the payment of such money", so that the said subsection shall now read as follows:

- (1) If by reason of pending proceedings or incapacity from illness of the holder of a mining claim, the work is not performed or the money required for patent or lease is not paid within the prescribed time, the recorder may extend the time for the performance of such work or the payment of such money for periods not exceeding three months. Extension of time.

(2) Subsection 1a of the said section 80 as enacted by section 10 of *The Mining Amendment Act, 1939*, is amended by inserting after the word "performed" in the first line the words "or payment for patent or lease has not been made", and by adding at the end thereof the words "or paying such money", so that the said subsection shall now read as follows: Rev. Stat., c. 47, s. 80, subs. 1a (1939, c. 27, s. 10), amended.

- (1a) Where such work has not been performed or payment for patent or lease has not been made because of the incapacity from illness of the holder of such claim, the recorder may extend the time only upon the production and filing with him of a certificate of a duly qualified medical practitioner indicating that such holder has by reason of illness been rendered incapable of performing such work or paying such money. Where extension because of illness.

3.—(1) Subsection 1 of section 86 of *The Mining Act* is amended by striking out the words "within six months after default, or the Minister at any time after such six months, on report of the Judge" in the second, third and fourth lines, so that the said subsection shall now read as follows: Rev. Stat., c. 47, s. 86, subs. 1, amended.

- (1) Where forfeiture or loss of rights has occurred under section 85, the Judge may, upon such terms as he may deem just, make an order relieving the person in default from such forfeiture or loss of rights, and upon compliance with the terms, if any, so imposed the interest or rights forfeited or lost shall revert in the person so relieved, but as a term of such order in the case mentioned in clause a of subsection 1 of section 85, the holder of the claim shall obtain a special renewal license, which shall be so marked and which shall be issued only on payment of twice the prescribed license fee, and in the case mentioned in clause d of the said subsection the holder shall file a proper report and pay therewith a special fee of \$3. Relief against forfeiture.

(2) Subsection 3a of the said section 86 as enacted by section 11 of *The Mining Amendment Act, 1939*, is amended by striking out the words "or Minister" in the first line and the words "or the Judge" in the first and second lines, so that the said subsection shall now read as follows: Rev. Stat., c. 47, s. 86, subs. 3a (1939, c. 27, s. 11), amended.

Extension
of time for
performance
of work.

(3a) Where the Judge under subsection 1 or under subsection 3 extends the time for performing the work, the report of the performance thereof shall be made within such extended time.

Rev. Stat.,
c. 47, s. 94,
amended.

4. Section 94 of *The Mining Act* is amended by adding thereto the following subsection:

Exclusion
of portion
of surface
rights.

(2) The Judge or the recorder may exclude from any mining claim such portion of the surface rights as may be necessary for the occupation and utilization of buildings or improvements erected or made thereon prior to the time such mining claim was staked out.

Short title.

5. This Act may be cited as *The Mining Amendment Act, 1944*.



BILL

An Act to amend The Mining Act.

1st Reading

April 3rd, 1944

2nd Reading

April 4th, 1944

3rd Reading

April 5th, 1934

MR. FROST

No. 99

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Old Age Pensions Act.

MR. VIVIAN

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Old Age Pensions Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 314,
ss. 2, 3,
amended.

1.—(1) Section 2 and 3 of *The Old Age Pensions Act* are amended by striking out the words “relating to old age pensions” where they occur in the fifth line of section 2 and in the fourth and fifth lines of section 3, so that the said sections shall now read as follows:

Agreement
with
Dominion
Government
authorized.

2. The Lieutenant-Governor in Council may enter into an agreement with the Governor-General in Council as to a general scheme of old age pensions in the Province pursuant to the provisions of any Act of the Dominion heretofore or hereafter passed, and the regulations made thereunder, and for the payment by the Dominion to the Province quarterly of an amount equal to one-half or more of the net sum paid out during the preceding quarter by the Province for old age pensions pursuant to the provisions of this Act.

Payment of
pension.

3. The Lieutenant-Governor in Council may by Order-in-Council authorize and provide for the payment of old age pensions to the persons and under the conditions specified in any Act of the Dominion heretofore or hereafter passed, and the regulations made thereunder.

Commence-
ment of
section.

(2) This section shall be deemed to have been in force and to have had effect on and after the 1st day of November, 1943.

Rev. Stat.,
c. 314,
amended.

2.—(1) *The Old Age Pensions Act* is amended by adding thereto the following section:

3a. The Lieutenant-Governor in Council may provide for the payment of,—

EXPLANATORY NOTES

SECTION 1. As the last agreement entered into between the Province and the Dominion relating to pensions for the aged and the blind was made pursuant to the *War Measures Act* (Canada) instead of *The Old Age Pensions Act* (Canada), as was the case with previous agreements, the amendment which is made to sections 2 and 3 of *The Old Age Pensions Act* is necessary. The amendment is made retroactive to the date of the agreement mentioned above.

SECTION 2. Provision is made for payment by the Province of a cost of living or other bonus as well as for payment of the cost, or part of the cost of medical services to persons in receipt of old age or blind pensions, or any class or group of them. The amendment is retroactive to cover the period during which a cost of living bonus has already been paid.

Cost of
living
bonus.

(a) a cost of living or other bonus to persons in receipt of pensions under this Act, or any class or group thereof; and

Medical
services.

(b) the whole or part of the cost of providing medical services to persons in receipt of pensions under this Act, or any class or group thereof.

Commence-
ment of
section.

(2) This section shall be deemed to have been in force and to have had effect on and after the 1st day of April, 1942.

Commence-
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

4. This Act may be cited as *The Old Age Pensions Amendment Act, 1944*.



BILL

An Act to amend The Old Age
Pensions Act.

1st Reading

April 3rd, 1944

2nd Reading

3rd Reading

MR. VIVIAN

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Old Age Pensions Act.

MR. VIVIAN

BILL

An Act to amend The Old Age Pensions Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 314,
ss. 2, 3,
amended.

1.—(1) Section 2 and 3 of *The Old Age Pensions Act* are amended by striking out the words “relating to old age pensions” where they occur in the fifth line of section 2 and in the fourth and fifth lines of section 3, so that the said sections shall now read as follows:

Agreement
with
Dominion
Government
authorized.

2. The Lieutenant-Governor in Council may enter into an agreement with the Governor-General in Council as to a general scheme of old age pensions in the Province pursuant to the provisions of any Act of the Dominion heretofore or hereafter passed, and the regulations made thereunder, and for the payment by the Dominion to the Province quarterly of an amount equal to one-half or more of the net sum paid out during the preceding quarter by the Province for old age pensions pursuant to the provisions of this Act.

Payment of
pension.

3. The Lieutenant-Governor in Council may by Order-in-Council authorize and provide for the payment of old age pensions to the persons and under the conditions specified in any Act of the Dominion heretofore or hereafter passed, and the regulations made thereunder.

Commence-
ment of
section.

(2) This section shall be deemed to have been in force and to have had effect on and after the 1st day of November, 1943.

Rev. Stat.,
c. 314,
amended.

2.—(1) *The Old Age Pensions Act* is amended by adding thereto the following section:

3a. The Lieutenant-Governor in Council may provide for the payment of,—

(a) a cost of living or other bonus to persons in receipt of pensions under this Act, or any class or group thereof; and Cost of living bonus.

(b) the whole or part of the cost of providing medical services to persons in receipt of pensions under this Act, or any class or group thereof. Medical services.

(2) This section shall be deemed to have been in force and to have had effect on and after the 1st day of April, 1942. Commencement of section.

3. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

4. This Act may be cited as *The Old Age Pensions Amendment Act, 1944*. Short title.

BILL

An Act to amend The Old Age
Pensions Act.

1st Reading

April 3rd, 1944

2nd Reading

April 4th, 1944

3rd Reading

April 5th, 1944

MR. VIVIAN

No. 100

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to provide for the Establishment of the Ontario
Teachers' Federation.

MR. DREW

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 100

1944

BILL

An Act to provide for the Establishment of the
Ontario Teachers' Federation.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

Interpre-
tation,—

1. In this Act,—

"Board of
Governors";

(a) "Board of Governors" shall mean Board of Governors
of the Federation;

"Depart-
ment";

(b) "Department" shall mean Department of Education;

"executive";

(c) "executive" shall mean executive of the Federation;

"Federa-
tion";

(d) "Federation" shall mean Ontario Teachers' Federa-
tion;

"member";

(e) "member" shall mean member of the Federation;

"Minister";

(f) "Minister" shall mean Minister of Education;

"regula-
tions";

(g) "regulations" shall mean regulations made under this
Act;

"teacher";

(h) "teacher" shall mean a person who is legally qualified
to teach in a public school, separate school, continua-
tion school, high school, collegiate institute or voca-
tional school and is under contract to teach in such a
school but shall not include an inspector, an in-
structor in a teacher-training institution or a person
employed to teach in a school for a period not
exceeding one month; and

"board of
trustees".

(i) "board of trustees" shall mean board of education,
board of high school trustees, board of public school
trustees or board of separate school trustees.

Body
corporate.

2. There shall be a federation of teachers to be known as
The Ontario Teachers' Federation which shall be a body
corporate.

EXPLANATORY NOTES

SECTION 1. Self-explanatory.

SECTION 2. Constitutes The Ontario Teachers' Federation and creates it a body corporate.

Objects.

3. The objects of the Federation shall be,—

- (a) to promote and advance the cause of education;
- (b) to raise the status of the teaching profession;
- (c) to promote and advance the interests of teachers and to secure conditions which will make possible the best professional service;
- (d) to arouse and increase public interest in educational affairs; and
- (e) to co-operate with other teachers' organizations throughout the world having the same or like objects.

Membership
in Federa-
tion.

4. Every teacher shall be a member of the Federation, provided that a person who is a teacher at the time of the coming into force of this Act may withdraw from membership by notifying the Minister and the secretary of the Board of Governors of his withdrawal by registered letter posted not later than six months after the coming into force of this Act.

Board of
Governors.

5. The Board of Governors shall consist of not more than forty members.

Executive.

6.—(1) There shall be an executive consisting of the immediate past president, a president, first vice-president, second vice-president, secretary and treasurer.

Election,—
president,
vice-
presidents.

(2) The president, first vice-president and second vice-president shall be elected annually by the Board of Governors from amongst themselves.

Election,—
secretary,
treasurer.

(3) The secretary and treasurer may be elected by the Board of Governors from amongst themselves or may be appointed by the Board of Governors from amongst themselves or otherwise and shall receive such remuneration out of the funds of the Federation as may be determined by the Board of Governors.

Functions
of executive.

7. The executive shall be responsible for carrying on the business of the Federation and may,—

- (a) subject to the approval of the Minister, acquire and hold in the name of the Federation such real and personal property as may be necessary for the purposes of the Federation and may alienate, mortgage, lease or otherwise dispose of such property as occasion may require;

SECTION 3. The objects of the Federation are prescribed.

SECTION 4. Every teacher, as defined in section 1, is required to be a member of the Federation but any person who is a teacher at the time of the coming into force of this Act may withdraw from membership.

SECTION 5. The Board of Governors is to consist of not more than forty members. The mode of selecting the members of the Board is to be prescribed by regulation.

SECTION 6. Self-explanatory.

SECTION 7. The functions of the executive are prescribed.

Rev. Stat.,
c. 165.

- (b) invest the funds of the Federation in any securities in which a trustee is authorized to invest money in his hands under *The Trustee Act*;
- (c) make such grants as it deems advisable to organizations having the same or like objects as the Federation.

Conferences.

8. In the interests of the advancement of education and the improvement of teaching conditions in Ontario, the Board of Governors shall meet annually and confer with the Minister and the senior officials of the Department on matters touching and concerning the objects of the Federation, and the Board of Governors shall at such meeting and may at any other time make such representations and recommendations either of a general nature or which relate to any particular school, teacher or matter as it deems advisable and as are in keeping with the objects of the Federation.

Collection
of fees.

9. The prescribed membership fee shall be deducted by the board of trustees from the salary of each teacher for the month of November or for the first month thereafter in which the teacher begins a term of employment and shall be forwarded to the treasurer of the Federation.

Regulations.

10. Subject to the approval of the Lieutenant-Governor in Council, the Board of Governors may make regulations,—

- (a) prescribing a code of ethics for teachers;
- (b) prescribing the fees to be paid by members of the Federation;
- (c) providing for the suspension and expulsion of members from the Federation and other disciplinary measures;
- (d) prescribing the manner in which the members of the Board of Governors shall be selected;
- (e) providing for the holding of meetings of the Board of Governors and of the executive and prescribing the manner of calling and the notice to be given in respect of such meetings;
- (f) prescribing the procedure to be followed at meetings of the Board of Governors and of the executive;
- (g) providing for the payment of necessary expenses to the members of the Board of Governors and the executive;

SECTION 8. Conferences between the Board of Governors and the Minister of Education and officials of the Department of Education are provided for.

SECTION 9. Membership fees will be collected through the local school boards.

SECTION 10. Power to make regulations is subject to the approval of the Lieutenant-Governor in Council.

- (h) conferring powers upon or extending or restricting the powers of and prescribing the duties of the Board of Governors and of the executive;
- (i) providing for the appointment of standing and special committees; and
- (j) providing for the establishment of branches of the Federation or of the recognition by the Federation of local bodies, groups or associations of teachers which shall be affiliated with the Federation.

First
Board of
Governors.

11.—(1) The first Board of Governors shall consist of Roy F. Bennett, Brantford; Lawrence D. McCamus, London; Helen M. Sheppard, North Bay; Mary A. McDonald, Roger St. Denis, Adelard Gascon and Lawrence Kennedy Poupore, all of Ottawa; Winston Davies, St. Catharines; Harriett Emma Carr, Agnes Meek, John W. Cawood, Clare R. Fallis, Stanley Hunter Henry and Norman McLeod, all of Toronto; and Margaret Lynch and Edward Arnold Orr of Windsor.

Meetings;
powers;
duties.

(2) The first Board of Governors shall hold its meetings at such time and place as may be determined by the Minister and, subject to any direction of the Minister, may exercise such powers and shall perform such duties as may appear requisite for the due carrying out of the provisions of this Act.

Commence-
ment of Act.

12. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

13. This Act may be cited as *The Teaching Profession Act, 1944*.

SECTION 11. Provision is made for the appointment of the first Board of Governors and for the due functioning thereof.



BILL

An Act to provide for the Establishment
of the Ontario Teachers' Federation.

1st Reading

April 3rd, 1944

2nd Reading

3rd Reading

MR. DREW

No. 100

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to provide for the Establishment of the Ontario
Teachers' Federation.

MR. DREW

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to provide for the Establishment of the
Ontario Teachers' Federation.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

Interpre-
tation,—

1. In this Act,—

- | | |
|--------------------------|---|
| "Board of
Governors"; | (a) "Board of Governors" shall mean Board of Governors
of the Federation; |
| "Depart-
ment"; | (b) "Department" shall mean Department of Education; |
| "executive"; | (c) "executive" shall mean executive of the Federation; |
| "Federa-
tion"; | (d) "Federation" shall mean Ontario Teachers' Federa-
tion; |
| "member"; | (e) "member" shall mean member of the Federation; |
| "Minister"; | (f) "Minister" shall mean Minister of Education; |
| "regula-
tions"; | (g) "regulations" shall mean regulations made under this
Act; |
| "teacher"; | (h) "teacher" shall mean a person who is legally qualified
to teach in a public school, separate school, continua-
tion school, high school, collegiate institute or voca-
tional school and is under contract to teach in such a
school but shall not include an inspector, an in-
structor in a teacher-training institution or a person
employed to teach in a school for a period not
exceeding one month; and |
| "board of
trustees"; | (i) "board of trustees" shall mean board of education,
board of high school trustees, board of public school
trustees or board of separate school trustees. |

Body
corporate.

2. There shall be a federation of teachers to be known as
The Ontario Teachers' Federation which shall be a body
corporate.

3. The objects of the Federation shall be,—

Objects.

- (a) to promote and advance the cause of education;
- (b) to raise the status of the teaching profession;
- (c) to promote and advance the interests of teachers and to secure conditions which will make possible the best professional service;
- (d) to arouse and increase public interest in educational affairs; and
- (e) to co-operate with other teachers' organizations throughout the world having the same or like objects.

4. Every teacher shall be a member of the Federation, provided that a person who is a teacher at the time of the coming into force of this Act may withdraw from membership by notifying the Minister and the secretary of the Board of Governors of his withdrawal by registered letter posted not later than six months after the coming into force of this Act.

Membership
in Federa-
tion.

5. The Board of Governors shall consist of not more than forty members.

Board of
Governors.

6.—(1) There shall be an executive consisting of the immediate past president, a president, first vice-president, second vice-president, secretary and treasurer.

Executive.

(2) The president, first vice-president and second vice-president shall be elected annually by the Board of Governors from amongst themselves.

Election,—
president,
vice-
presidents.

(3) The secretary and treasurer may be elected by the Board of Governors from amongst themselves or may be appointed by the Board of Governors from amongst themselves or otherwise and shall receive such remuneration out of the funds of the Federation as may be determined by the Board of Governors.

Election,—
secretary,
treasurer.

7. The executive shall be responsible for carrying on the business of the Federation and may,—

Functions
of executive.

- (a) subject to the approval of the Minister, acquire and hold in the name of the Federation such real and personal property as may be necessary for the purposes of the Federation and may alienate, mortgage, lease or otherwise dispose of such property as occasion may require;

Rev. Stat.,
c. 165.

- (b) invest the funds of the Federation in any securities in which a trustee is authorized to invest money in his hands under *The Trustee Act*;
- (c) make such grants as it deems advisable to organizations having the same or like objects as the Federation.

Conferences.

8. In the interests of the advancement of education and the improvement of teaching conditions in Ontario, the Board of Governors shall meet annually and confer with the Minister and the senior officials of the Department on matters touching and concerning the objects of the Federation, and the Board of Governors shall at such meeting and may at any other time make such representations and recommendations either of a general nature or which relate to any particular school, teacher or matter as it deems advisable and as are in keeping with the objects of the Federation.

Collection
of fees.

9. The prescribed membership fee shall be deducted by the board of trustees from the salary of each teacher for the month of November or for the first month thereafter in which the teacher begins a term of employment and shall be forwarded to the treasurer of the Federation.

Regulations.

10. Subject to the approval of the Lieutenant-Governor in Council, the Board of Governors may make regulations,—

- (a) prescribing a code of ethics for teachers;
- (b) prescribing the fees to be paid by members of the Federation;
- (c) providing for the suspension and expulsion of members from the Federation and other disciplinary measures;
- (d) prescribing the manner in which the members of the Board of Governors shall be selected;
- (e) providing for the holding of meetings of the Board of Governors and of the executive and prescribing the manner of calling and the notice to be given in respect of such meetings;
- (f) prescribing the procedure to be followed at meetings of the Board of Governors and of the executive;
- (g) providing for the payment of necessary expenses to the members of the Board of Governors and the executive;

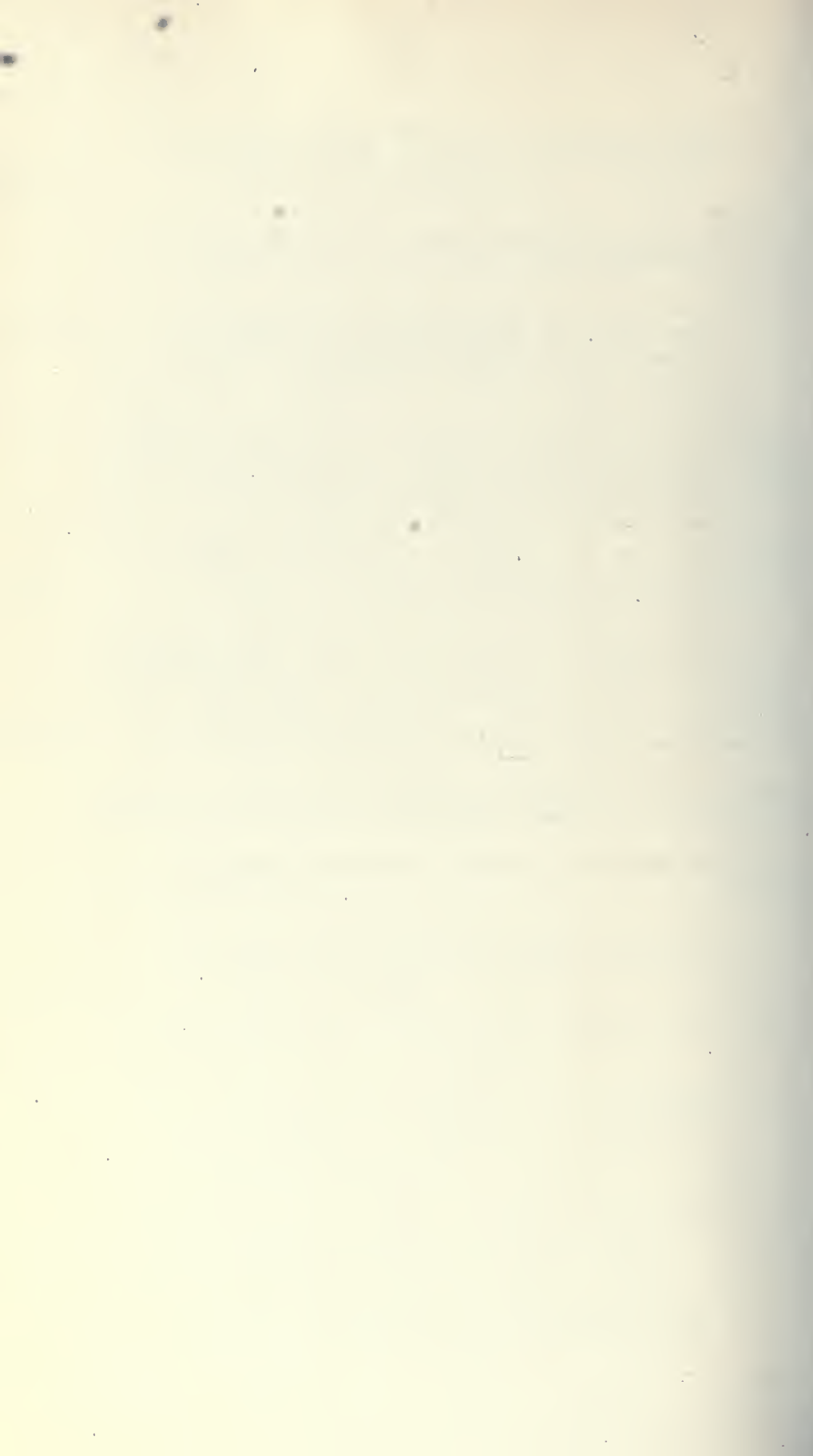
- (h) conferring powers upon or extending or restricting the powers of and prescribing the duties of the Board of Governors and of the executive;
- (i) providing for the appointment of standing and special committees; and
- (j) providing for the establishment of branches of the Federation or of the recognition by the Federation of local bodies, groups or associations of teachers which shall be affiliated with the Federation.

11.—(1) The first Board of Governors shall consist of ^{First Board of Governors.} Roy F. Bennett, Brantford; Lawrence D. McCamus, London; Helen M. Sheppard, North Bay; Mary A. Macdonald, Roger St. Denis, Adelard Gascon and Lawrence Kennedy Poupore, all of Ottawa; Winston Davies, St. Catharines; Harriett Emma Carr, Agnes Meek, John W. Cawood, Clare R. Fallis, Stanley Hunter Henry and Norman McLeod, all of Toronto; and Margaret Lynch and Edward Arnold Orr of Windsor.

(2) The first Board of Governors shall hold its meetings ^{Meetings; powers; duties.} at such time and place as may be determined by the Minister and, subject to any direction of the Minister, may exercise such powers and shall perform such duties as may appear requisite for the due carrying out of the provisions of this Act.

12. This Act shall come into force on a day to be named ^{Commencement of Act.} by the Lieutenant-Governor by his Proclamation.

13. This Act may be cited as *The Teaching Profession Act, 1944.* ^{Short title.}



An Act to provide for the Establishment
of the Ontario Teachers' Federation.

1st Reading

April 3rd, 1944

2nd Reading

April 4th, 1944

3rd Reading

April 5th, 1944

MR. DREW

No. 101

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Medical Act.

MR. VIVIAN

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Medical Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 225,
amended.

1. *The Medical Act* is amended by adding thereto the following sections:

Temporary
registration.

20a. The Council may make regulations providing for a system of temporary registration during any period when Canada is at war and for a period of six months thereafter.

.

SPECIALISTS.

Specialists.

58a.—(1) The council may make regulations providing for a system of classification of legally qualified medical practitioners who because of special training or qualifications are specialists in any branch of medicine, surgery or midwifery and may in such regulations,—

- (a) define the nature of the various classes of specialists;
- (b) prescribe the qualifications required of specialists in the various classes;
- (c) provide for the designation of specialists upon application and examination or otherwise and for the suspension or revocation of any such designation;
- (d) regulate and prohibit the use of terms or designations by medical practitioners indicating specialization in any branch of medicine, surgery or midwifery; and

EXPLANATORY NOTE

The Medical Act is amended to permit the Council of the College of Physicians and Surgeons of Ontario to make regulations providing for temporary registration of medical practitioners in Ontario during the period of any war and for six months thereafter and also to provide for classification and designation of medical practitioners who because of special training or qualifications are specialists in any branch of medicine, surgery or midwifery.



- (e) prescribe the fees payable by persons designated as specialists and providing for the collection thereof.

Certificate
of registrar.

- (2) A certificate as to the designation or non-designation of any person as a specialist signed or purporting to be signed by the registrar shall be admissible in evidence as *prima facie* proof of the facts stated therein without proof of the appointment or signature of the registrar.

Short title.

- 2.** This Act may be cited as *The Medical Amendment Act, 1944*.



An Act to amend The Medical Act.

1st Reading

April 3rd, 1944

2nd Reading

3rd Reading

MR. VIVIAN

No. 101

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act to amend The Medical Act.

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TORONTO
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An Act to amend The Medical Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 225,
amended.

1. *The Medical Act* is amended by adding thereto the following sections:

Temporary
registration.

20a. The Council may make regulations providing for a system of temporary registration during any period when Canada is at war and for a period of six months thereafter.

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SPECIALISTS.

Specialists.

58a.—(1) The council may make regulations providing for a system of classification of legally qualified medical practitioners who because of special training or qualifications are specialists in any branch of medicine, surgery or midwifery and may in such regulations,—

- (a) define the nature of the various classes of specialists;
- (b) prescribe the qualifications required of specialists in the various classes;
- (c) provide for the designation of specialists upon application and examination or otherwise and for the suspension or revocation of any such designation;
- (d) regulate and prohibit the use of terms or designations by medical practitioners indicating specialization in any branch of medicine, surgery or midwifery; and

(e) prescribe the fees payable by persons designated as specialists and providing for the collection thereof.

- (2) A certificate as to the designation or non-designation of any person as a specialist signed or purporting to be signed by the registrar shall be admissible in evidence as *prima facie* proof of the facts stated therein without proof of the appointment or signature of the registrar. ^{Certificate of registrar.}

2. This Act may be cited as *The Medical Amendment Act*, ^{Short title.} 1944.

BILL

An Act to amend The Medical Act.

1st Reading

April 3rd, 1944

2nd Reading

April 4th, 1944

3rd Reading

April 5th, 1944

MR. VIVIAN

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

The School Law Amendment Act, 1944.

MR. DREW

BILL

The School Law Amendment Act, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 368, s. 15,
subs. 1,
amended.

1.—(1) Subsection 1 of section 15 of *The Adolescent School Attendance Act* is amended by striking out all the words after the word “penalty” in the twenty-third line and inserting in lieu thereof the words and figures “of not less than \$1 nor more than \$20”, so that the said subsection shall now read as follows:

Offences
and
penalties.

(1) Every person who,—

- (a) employs an adolescent who does not hold either
 - (i) a home permit or an employment certificate as defined in section 3; or
 - (ii) a school dismissal card or a school registration card as defined in section 7; or
- (b) employs an adolescent at any time during which his attendance is by this Act required at part-time courses of instruction; or
- (c) employs such adolescent for such a number of hours as with the number of hours during which the adolescent is required to attend such courses will exceed in any day or week the number of hours during which such adolescent may be lawfully so employed; or
- (d) being a parent or guardian of an adolescent, has condoned to or connived at the failure on the part of an adolescent to attend part-time courses of instruction as required under this Act, or suffers or permits such adolescent, through want of proper care or control, to violate any of the obligations of this Act;

EXPLANATORY NOTES

SECTION 1—Subsection 1. *The Adolescent School Attendance Act* is amended by providing penalties of not less than \$1 nor more than \$20 for violations thereof. This brings the penalties into line with the penalties contained in *The School Attendance Act*.

shall incur a penalty of not less than \$1 nor more than \$20.

Rev. Stat.,
c. 368, s. 15,
amended.

(2) Section 15 of *The Adolescent School Attendance Act* is amended by adding thereto the following subsection:

Certificate of
principal.

- (3) In any prosecution under this Act a certificate as to the attendance or non-attendance at school of any adolescent signed or purporting to be signed by the principal of the school shall be *prima facie* evidence of the facts stated therein without any proof of the appointment of such principal or of his signature.

Rev. Stat.,
c. 361, s. 12,
subs. 1,
amended.

2. Subsection 1 of section 12 of *The Boards of Education Act* is amended by inserting after the word "school" in the eighth line the word "district", so that the said subsection shall now read as follows:

Formation
of union
boards of
education.

- (1) A high school board of a high school district which is composed of a municipality, a part of a municipality, two or more municipalities or parts thereof in which a municipal board has not been organized and the board of public school trustees of a school section which is composed of the same area as such high school district may unite as a union board of education on filing with the clerk of the municipality in which the high school district is situate certified copies of resolutions providing for such union passed at separate meetings of each of the boards called for the purpose of considering such union.

Rev. Stat.,
c. 360, s. 1,
subs. 1, cl. g,
amended.

3. Clause g of subsection 1 of section 1 of *The High Schools Act* as amended by subsection 2 of section 10 of *The School Law Amendment Act, 1938*, is further amended by inserting after the word "board" in the tenth line the words "any sums spent for medical and dental inspection and dental treatment", so that the said clause shall now read as follows:

"Main-
enance".

- (g) "Maintenance" shall include repairs to the teacher's residence, the school buildings, outhouses, gymnasium, fences and school furniture; altering the system of heating or ventilation; the erection of fences; the improvement of the school grounds and the grounds attached to the teacher's residence; insurance on the school property; salaries of the teachers, officers and other employees of the board; contributions to a superannuation or pension fund for the benefit of teachers, officers and other employees of the board; any sums spent for medical and dental inspection and dental treatment; fees payable in respect of resident pupils in attendance

Subsection 2. In a prosecution under *The Adolescent School Attendance Act* the necessity for requiring the school principal or teacher to attend in court is avoided by providing for acceptance of a certificate of non-attendance.

SECTION 2. The amendment permits a high school district which does not have a high school to have a union board of education.

SECTION 3. The definition of maintenance in *The High Schools Act* is extended to include any sums spent for medical and dental inspection and dental treatment.

at high schools and continuation schools outside the high school district; the expense of conducting examinations; interest charges on temporary loans made for the purposes of the board and other expenses for ordinary school purposes, and for such annual additions to the library, apparatus and other appliances as may be required by the Minister or by the regulations, and shall also include gratuities and retiring allowances granted to teachers, officers and other employees.

Rev. Stat.,
c. 360,
amended.

4. *The High Schools Act* is amended by adding thereto the following section:

Fund for
capital
expenditures.

24a.—(1) Subject to the approval of the Minister and of the municipal council or councils concerned the board may include in the estimates for the current calendar year an amount not exceeding ten per centum of the maintenance costs for the preceding calendar year of the school or schools under the charge of the board and such amount shall be deposited with the Treasurer of Ontario to be held in trust for the board and while so held shall bear interest at the rate of three per centum per annum compounded annually.

Use of fund.

(2) Any amount paid to the Treasurer of Ontario under subsection 1, together with interest thereon, may with the consent of the Minister and the municipal council or councils concerned, be used by the board for capital expenditures.

Rev. Stat.,
c. 360,
amended.

5. *The High Schools Act* is amended by adding thereto the following section:

Informa-
tion re
employment.

27a.—(1) With the approval of the Minister, the board may appoint one or more officers qualified according to the regulations to collect and distribute information regarding available occupations and employments, and to offer such counsel to the pupils as will enable them to plan intelligently for their educational and vocational advancement.

Agreements
as to
appointment
of officers.

(2) With the approval of the Minister, the board may enter into an agreement with one or more other boards of high school trustees or boards of education for the appointment of one or more such officers, each of whom shall apportion his time in accordance with the terms of the agreement.

Rev. Stat.,
c. 360, s. 59,
subs. 3,
re-enacted.

6. Subsection 3 of section 59 of *The High Schools Act* is repealed and the following substituted therefor:

SECTION 4. *The High Schools Act* is amended to permit a board, with the approval of the Minister and of the municipal council or councils concerned, to include in its estimates a sum which would be deposited with the Treasurer of Ontario and form a fund for future capital expenditures.

SECTION 5. *The High Schools Act* is amended to permit a board to appoint one or more officers whose function would be to collect and distribute information regarding available occupations and employments and to advise pupils on the planning of their educational and vocational advancement.

SECTION 6. The definition of "holiday" in *The High Schools Act* as in other Acts is revised and clarified.

Holidays.

- (3) Every Saturday, every public holiday, the 24th day of May, the 11th day of November, the day appointed annually to be celebrated officially as the birthday of the reigning sovereign, the week following Easter Day, and every day proclaimed a holiday by the authorities of the municipality in which the teacher is engaged and every day upon which a school is closed under the provisions of *The Public Health Act* or the regulations of the Department, shall be a school holiday.

Rev. Stat.,
c. 299.

Rev. Stat.,
c. 283, s. 38,
re-enacted.

7. Section 38 of *The Public Libraries Act* is repealed and the following substituted therefor:

Estimates
of Board.

38. The Board shall submit to the municipal council or councils and in the case of a school section not situate in an organized township to the trustees of the school section, on or before the 1st day of March in each year, a detailed estimate of the several sums required for the ensuing financial year to pay,—

- (a) the interest on any money borrowed, as herein-after mentioned;
- (b) the amount required to be raised for the sinking fund, or to pay any instalment of principal and interest;
- (c) the expense of maintaining and managing the libraries, reading rooms, museums, evening classes, art schools and all other activities under its control;
- (d) contributions to an employees' pension fund;
- (e) retiring allowances to employees retired by reason of age or disability; and
- (f) amounts required to be paid under statutory or other authority.

Rev. Stat.,
c. 283, s. 39,
subs. 1,
amended.

8. Subsection 1 of section 39 of *The Public Libraries Act* is amended by striking out the symbol and figure "\$1" in the fifteenth line and inserting in lieu thereof the symbol and figures "\$1.25", so that the said subsection shall now read as follows:

Annual
rate.

- (1) The municipal council of a city, town, village or township, the council of the township or the councils of the townships in which a police village or school section is situate, or the trustees of a school section

SECTION 7. The section of *The Public Libraries Act* which governs the preparation of estimates is extended to include all activities under the control of the library board as well as contributions to an employees' pension fund, retirement allowances to employees and all amounts required to be paid under statutory and other authority.

SECTION 8. The amount which may be raised by special rate for library purposes when approved by a vote of the majority of the council or school board concerned is increased by one-fourth.

if the section is not situate in an organized township, in addition to all other rates and assessments levied and assessed shall levy and assess in each year a special rate to be called the "Public Library Rate" sufficient to provide the amount estimated by the board as hereinbefore provided, but such rate shall not exceed a rate in the dollar of taxable assessment that will yield more than fifty cents per capita of population of the municipality, police village or school section, as shown in the latest revised assessment roll, but by a vote of a majority of the council or board present and voting thereon, such rate may be increased to an amount to yield not more than \$1.25 per capita of the population.

Rev. Stat.,
c. 357, s. 6,
subs. 3,
re-enacted.

9. Subsection 3 of section 6 of *The Public Schools Act* is repealed and the following substituted therefor:

Holidays.

- (3) Every Saturday, every public holiday, the 24th day of May, the 11th day of November, the day appointed annually to be celebrated officially as the birthday of the reigning sovereign, the week following Easter Day, and every day proclaimed a holiday by the authorities of the municipality in which the teacher is engaged and every day upon which a school is closed under the provisions of *The Public Health Act* or the regulations of the Department, shall be a school holiday.

Rev. Stat.,
c. 299.

10. Section 15 of *The Public Schools Act* as amended by section 16 of *The School Law Amendment Act, 1939*, and section 4 of *The School Law Amendment Act, 1940*, is further amended by adding thereto the following subsection:

Certified
copy of
voters'
list.

- (1b) Where a township school area includes a union school section the clerk of each township any portion of which forms part of the union school section shall furnish to the clerk of the township in which the area is formed a certified copy of the list of voters qualified to vote on school matters in that portion of the township.

Rev. Stat.,
c. 357, s. 16a,
subs. 1
(1940,
c. 24, s. 5),
re-enacted.

11. Subsection 1 of section 16a of *The Public Schools Act* as enacted by section 5 of *The School Law Amendment Act, 1940*, is repealed and the following substituted therefor:

Adjustment
and deter-
mination
of rights
and claims.

- (1) For the purpose of evaluating, adjusting and determining all rights and claims between school sections within township school areas formed under section 15 or section 15a, section 16 shall apply, provided that the powers and duties conferred and imposed upon

SECTION 9. This amendment to *The Public Schools Act* corresponds to the amendment to *The High Schools Act* effected by section 6.

SECTION 10. Where a township school area includes parts of other townships by reason of the inclusion of a union school section, the clerks of the various other townships shall furnish to the clerk of the township in which the area is formed a certified copy of the appropriate portion of the voters' list for his township.

SECTION 11. The practice to be followed in evaluating, adjusting and determining rights between school sections in township school areas is rendered uniform in both counties and districts.



the Ontario Municipal Board by section 16 shall, in the case of such areas, be exercised and performed by the Minister.

Rev. Stat.,
c. 357, s. 89,
cl. *d*,
amended.

12. Clause *d* of section 89 of *The Public Schools Act* is amended by striking out all the words after the word "pupil" in the fifteenth line and inserting in lieu thereof the words "during the school year who is not six years of age on the opening day of school in September", so that the said clause shall now read as follows:

To provide
accommoda-
tion.

(*d*) to provide adequate accommodation for all children between the ages of five and sixteen years, resident in the municipality, and in the case of rural schools for two-thirds of such children resident in the section, as ascertained in both cases by the school census taken by the assessor in the next preceding year, and in computing such residents the children of persons on whose behalf a separate school has been established under *The Separate Schools Act* shall not be included; provided that where the accommodation is not more than sufficient for all children over six years of age or where the general progress of the school or grade may be prejudicially affected, the inspector may in either case authorize the board to refuse to admit any pupil during the school year who is not six years of age on the opening day of school in September.

Rev. Stat.,
c. 362.

13. *The Public Schools Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 357,
amended.

89*a*.—(1) Subject to the approval of the Minister and of the municipal council or councils concerned the board may include in the estimates for the current calendar year an amount not exceeding ten per centum of the maintenance costs for the preceding calendar year of any school or schools under the charge of the board and such amount shall be deposited with the Treasurer of Ontario to be held in trust for the board and while so held shall bear interest at the rate of three per centum per annum compounded annually.

Use of
fund.

(2) Any amount paid to the Treasurer of Ontario under subsection 1, together with interest thereon may, with the consent of the Minister and of the municipal council or councils concerned be used by the board for capital expenditures.

Rev. Stat.,
c. 357, s. 103,
cl. *h*,
re-enacted.

14. Clause *h* of section 103 of *The Public Schools Act* is repealed and the following substituted therefor:

SECTION 12. The final portion of the clause of *The Public Schools Act* relating to the minimum age of children who are to be accommodated is recast for the purposes of clarification.

SECTION 13. This amendment to *The Public Schools Act* corresponds to the amendment to *The High Schools Act* effected by section 4.

SECTION 14. The provision of *The Public Schools Act* governing the refusal of admission to a school of pupils who are believed to be infected with or exposed to infectious diseases is amended by deleting the list of diseases and describing them by reference to the regulations under *The Public Health Act*.

Infectious
diseases
among
pupils.

- (h) to refuse admission to the school of any pupil who he believes is infected with or exposed to communicable diseases requiring quarantine and placarding under regulations made pursuant to *The Public Health Act* until furnished with a certificate of a medical officer of health or of a duly qualified medical practitioner approved by him that all danger from exposure to contact with such pupil has passed.

Rev. Stat.,
c. 299.

Rev. Stat.,
c. 357, s. 112,
subs. 3,
amended.

15. Subsection 3 of section 112 of *The Public Schools Act* as amended by section 18 of *The School Law Amendment Act, 1941*, and section 13 of *The School Law Amendment Act, 1943*, is further amended by striking out the symbol and figures "\$800" in the fourth line and inserting in lieu thereof the symbol and figures "\$1,000", so that the said subsection shall now read as follows:

Applica-
tion of
township
grant.

- (3) The sums so levied and collected shall be applied exclusively to teachers' salaries, and payment of sums to boards under this section shall not be made unless the salary of the teacher for the year, in each case, is at least \$1,000.

Rev. Stat.,
c. 367, s. 11,
subs. 1,
amended.

16. Subsection 1 of section 11 of *The School Attendance Act* is amended by striking out the symbol and figure "\$5" in the fifth line and inserting in lieu thereof the symbol and figure "\$1", so that the said subsection shall now read as follows:

Liability
of parents.

- (1) A parent, or guardian or other person having the charge or control of any child between the ages of eight and fourteen years, who neglects or refuses to cause such child to attend school unless such child is excused from attendance as provided by this Act, shall incur a penalty of not less than \$1 nor more than \$20.

Rev. Stat.,
c. 367, s. 16,
amended.

17. Section 16 of *The School Attendance Act* is amended by adding thereto the following subsection:

Certificate of
principal.

- (2) In any prosecution under this Act a certificate as to the attendance or non-attendance at school of any child signed or purporting to be signed by the principal of the school shall be *prima facie* evidence of the facts stated therein without any proof of the appointment of such principal or of his signature.

1943, c. 26,
s. 25,
amended.

18. Section 25 of *The School Law Amendment Act, 1943*, is amended by inserting after the figures "1943" in the first line of clause *a* the word and figures "and 1944", by striking out the figures "1944" in the first line of clause *b* and inserting in

SECTION 15. The subsection of *The Public School Acts* governing the minimum salary of teachers is amended by increasing the minimum from \$800 to \$1000.

SECTION 16. *The School Attendance Act* is amended by reducing the minimum penalty for violation from \$5 to \$1.

SECTION 17. This amendment to *The School Attendance Act* corresponds to the amendment made by subsection 2 of section 1 of this Bill to *The Adolescent School Attendance Act*.

SECTION 18. Section 25 of *The School Law Amendment Act, 1943*, provides for bringing the Township of York into line with the regular system of grants over a period of three years. The amendment extends the period by one year.

lieu thereof the figures "1945", and by striking out the figures "1945" in the first line of clause *c* and inserting in lieu thereof the figures "1946", so that the said section shall now read as follows:

Bases of legislative grants.

1932, c. 96;
1938, c. 76.

25. Notwithstanding the provisions of section 6 of *The Township of York Act, 1932*, as amended by section 3 of *The Township of York Act, 1938*, the legislative grants for the support of public and separate schools in the Township of York shall, in the calendar years indicated, be computed and paid on the following bases:

- (a) 1943 and 1944, in the same manner and on the same assessment as the legislative grant paid in 1942, in this section referred to as the "old basis";
- (b) 1945, on the basis prescribed by the regulations made under *The Department of Education Act*, in this section referred to as the "new basis", plus fifty per centum of the difference between the amount of the grant calculated on the old basis and the amount of the grant calculated on the new basis; and
- (c) 1946 and subsequent years, on the new basis.

Rev. Stat.,
c. 362, s. 93,
subs. 3,
re-enacted.

19. Subsection 3 of section 93 of *The Separate Schools Act* is repealed and the following substituted therefor:

Holidays.

- (3) Every Saturday, every public holiday, the 24th day of May, the 11th day of November, the day appointed annually to be celebrated officially as the birthday of the reigning sovereign, the week following Easter Day, and every day proclaimed a holiday by the authorities of the municipality in which the teacher is engaged and every day upon which a school is closed under the provisions of *The Public Health Act* or the regulations of the Department, shall be a school holiday.

Rev. Stat.,
c. 299.

Rev. Stat.,
c. 366, s. 5,
re-enacted.

20. Section 5 of *The Teachers' and Inspectors' Superannuation Act* is repealed and the following substituted therefor:

Contributions by Province.

- 5. The Treasurer of Ontario shall place to the credit of the fund at such times as shall be prescribed by the regulations, sums equal to those contributed by the teachers and inspectors under section 4.

Rev. Stat.,
c. 366, s. 17,
amended.

21. Section 17 of *The Teachers' and Inspectors' Superannuation Act* is amended by section 19 of *The School Law*

SECTION 19. The definition of "holiday" in *The Separate Schools Act* is amended in the same manner as the same definition in *The High Schools Act* and *The Public Schools Act* are amended by sections 6 and 9 of this Bill.

SECTION 20. The contributions of the Treasurer of Ontario to The Teachers' and Inspectors' Superannuation Fund are increased from two and one-half per centum of the teachers' salary to sums equal to those contributed by the teachers.

SECTION 21. *The Teachers' and Inspectors' Superannuation Act* is amended to permit arrangements to be made between the provinces for recognizing services of teachers who move from one province to another, for the purposes of teachers' superannuation funds.

Amendment Act, 1943, is further amended by adding thereto the following clauses:

Services in
another
Province.

(gg) prescribing the credit to be given under the Act for services performed as a teacher or inspector in another Province by a teacher or inspector subsequently employed in Ontario and providing for payment into the fund of an amount equal to the contributions, that would have been paid into the fund by the teacher, together with accumulated interest, if such services had been performed in Ontario.

Transfer of
contributions
to other
Province.

(ggg) providing for payment out of the fund into any like fund under a superannuation scheme in any other Province of an amount equal to the contributions paid into the fund by a teacher or inspector who has ceased to be employed in Ontario and has become employed as a teacher or inspector in such other Province, together with accumulated interest.

Rev. Stat.,
c. 369,
amended.

22. *The Vocational Education Act* is amended by adding thereto the following sections:

Fund for
capital
expenditures.

12a.—(1) Subject to the approval of the Minister and of the municipal council or councils concerned, the advisory committee may include in its estimates to the board for the current calendar year an amount not exceeding ten per centum of the maintenance costs for the preceding calendar year of any vocational school or department under its management or control, and such amount shall be deposited by the board with the Treasurer of Ontario to be held in trust for the board and while so held shall bear interest at the rate of three per centum per annum compounded annually.

Use of
fund.

(2) Any amount paid to the Treasurer of Ontario under subsection 1, together with interest thereon, may with the consent of the Minister and of the municipal council or councils concerned, be used for capital expenditures of the board in the construction or permanent improvement, enlargement or extension of any vocational school or department which is under the management and control of the advisory committee.

Fund for
equipment
maintenance.

12b.—(1) Subject to the approval of the Minister and of the municipal council or councils concerned, the advisory committee may include in its estimates to the board an amount not exceeding five per centum

SECTION 22. *The Vocational Education Act* is amended by adding a section corresponding to section 24a of *The High Schools Act* as enacted by section 4 of this Bill, and section 89a as enacted by section 13 of this Bill. The amendment to *The Vocational Education Act* also provides for a further amount being set aside in a similar manner for future expenditures necessitated for the replacement or repair of machine tool equipment and specialized scientific apparatus.

of the total value of the machine tool equipment and specialized scientific apparatus contained in any vocational school or department under its management or control, and such amount shall be deposited with the Treasurer of Ontario to be held in trust for the board and while so held shall bear interest at the rate of three per centum per annum compounded annually.

Use of
fund.

- (2) Any amount paid to the Treasurer of Ontario under subsection 1, together with interest thereon, may with the consent of the Minister and the municipal council or councils concerned, be used by the board for the replacement or repair of machine tool equipment and specialized scientific apparatus contained in any vocational school or department under the management and control of the advisory committee.

Rev. Stat.,
c. 369, s. 24,
subs. 3,
re-enacted.

23. Subsection 3 of section 24 of *The Vocational Education Act* is repealed and the following substituted therefor:

Amount
to be raised.

- (3) The amount to be raised respectively by the council of each municipality in the vocational school district for such purposes shall be the proportion that the population-assessment of the municipality bears to the sum of the population-assessments of all the municipalities constituting the vocational school district.

Interpreta-
tions.

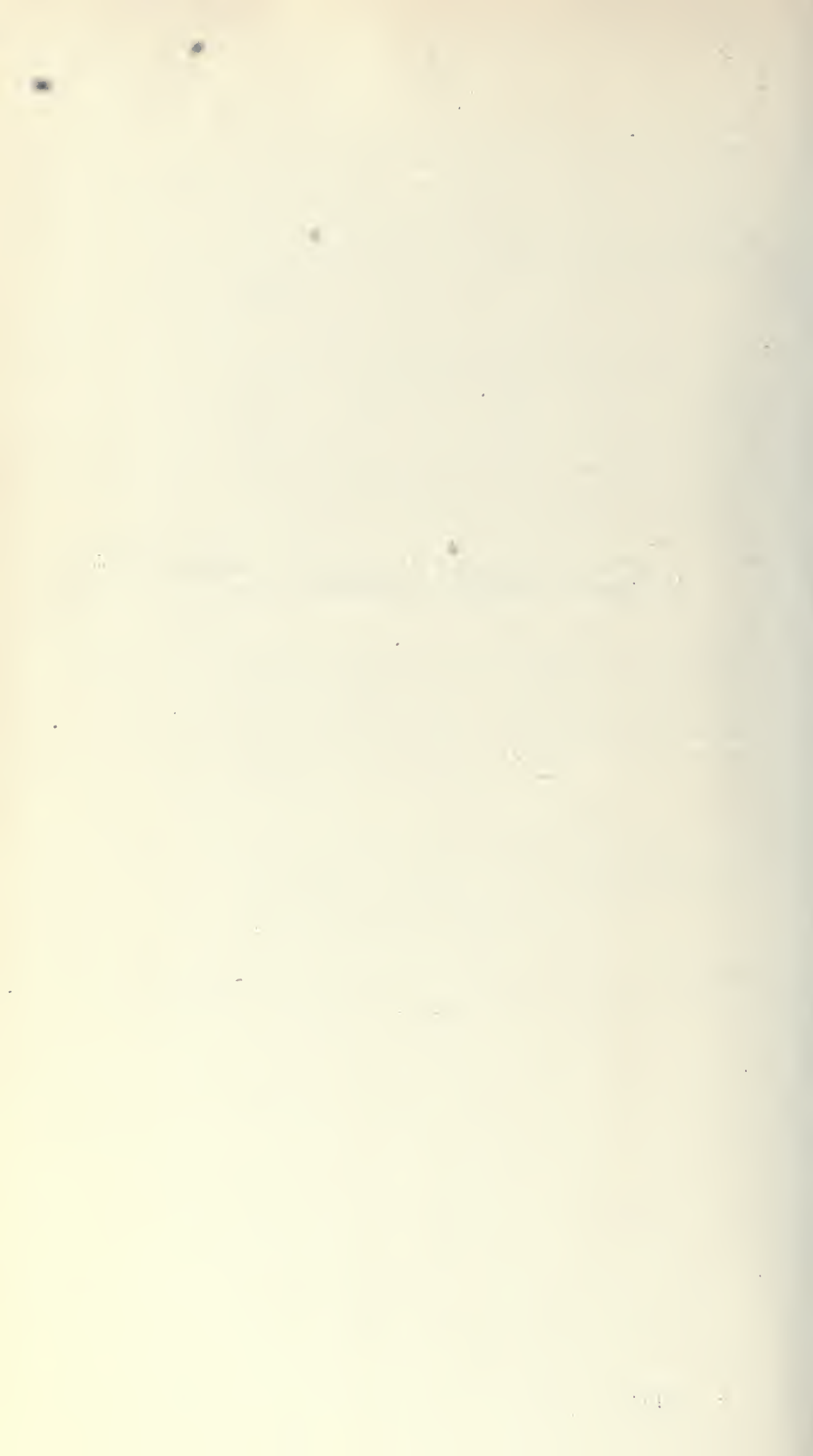
- (4) In this section "population-assessment" shall mean the amount of the last revised assessment of a municipality multiplied by the population of such municipality and "population" shall have the same meaning as in *The Municipal Act*.

Rev. Stat.,
c. 266.

Short title.

24. This Act may be cited as *The School Law Amendment Act, 1944*.

SECTION 23. Subsection 3 of section 24 of *The Vocational Education Act* is revised for the purposes of clarification.



BILL

The School Law Amendment Act, 1944.

1st Reading

April 3rd, 1944

2nd Reading

3rd Reading

MR. DREW

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

The School Law Amendment Act, 1944.

MR. DREW

BILL

The School Law Amendment Act, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 368, s. 15,
subs. 1,
amended.

1.—(1) Subsection 1 of section 15 of *The Adolescent School Attendance Act* is amended by striking out all the words after the word "penalty" in the twenty-third line and inserting in lieu thereof the words and figures "of not less than \$1 nor more than \$20", so that the said subsection shall now read as follows:

Offences
and
penalties.

(1) Every person who,—

- (a) employs an adolescent who does not hold either
 - (i) a home permit or an employment certificate as defined in section 3; or
 - (ii) a school dismissal card or a school registration card as defined in section 7; or
- (b) employs an adolescent at any time during which his attendance is by this Act required at part-time courses of instruction; or
- (c) employs such adolescent for such a number of hours as with the number of hours during which the adolescent is required to attend such courses will exceed in any day or week the number of hours during which such adolescent may be lawfully so employed; or
- (d) being a parent or guardian of an adolescent, has conduced to or connived at the failure on the part of an adolescent to attend part-time courses of instruction as required under this Act, or suffers or permits such adolescent, through want of proper care or control, to violate any of the obligations of this Act;

shall incur a penalty of not less than \$1 nor more than \$20.

(2) Section 15 of *The Adolescent School Attendance Act* is amended by adding thereto the following subsection: Rev. Stat.,
c. 368, s. 15,
amended.

(3) In any prosecution under this Act a certificate as to the attendance or non-attendance at school of any adolescent signed or purporting to be signed by the principal of the school shall be *prima facie* evidence of the facts stated therein without any proof of the appointment of such principal or of his signature. Certificate of
principal.

2. Subsection 1 of section 12 of *The Boards of Education Act* is amended by inserting after the word "school" in the eighth line the word "district", so that the said subsection shall now read as follows: Rev. Stat.,
c. 361, s. 12,
subs. 1,
amended.

(1) A high school board of a high school district which is composed of a municipality, a part of a municipality, two or more municipalities or parts thereof in which a municipal board has not been organized and the board of public school trustees of a school section which is composed of the same area as such high school district may unite as a union board of education on filing with the clerk of the municipality in which the high school district is situate certified copies of resolutions providing for such union passed at separate meetings of each of the boards called for the purpose of considering such union. Formation
of union
boards of
education.

3. Clause g of subsection 1 of section 1 of *The High Schools Act* as amended by subsection 2 of section 10 of *The School Law Amendment Act, 1938*, is further amended by inserting after the word "board" in the tenth line the words "any sums spent for medical and dental inspection and dental treatment", so that the said clause shall now read as follows: Rev. Stat.,
c. 360, s. 1,
subs. 1, cl. g,
amended.

(g) "Maintenance" shall include repairs to the teacher's residence, the school buildings, outhouses, gymnasium, fences and school furniture; altering the system of heating or ventilation; the erection of fences; the improvement of the school grounds and the grounds attached to the teacher's residence; insurance on the school property; salaries of the teachers, officers and other employees of the board; contributions to a superannuation or pension fund for the benefit of teachers, officers and other employees of the board; any sums spent for medical and dental inspection and dental treatment; fees payable in respect of resident pupils in attendance "Main-
tenance".

at high schools and continuation schools outside the high school district; the expense of conducting examinations; interest charges on temporary loans made for the purposes of the board and other expenses for ordinary school purposes, and for such annual additions to the library, apparatus and other appliances as may be required by the Minister or by the regulations, and shall also include gratuities and retiring allowances granted to teachers, officers and other employees.

Rev. Stat.,
c. 360,
amended.

4. *The High Schools Act* is amended by adding thereto the following section:

Fund for
capital
expenditures.

24a.—(1) Subject to the approval of the Minister and of the municipal council or councils concerned the board may include in the estimates for the current calendar year an amount not exceeding ten per centum of the maintenance costs for the preceding calendar year of the school or schools under the charge of the board and such amount shall be deposited with the Treasurer of Ontario to be held in trust for the board and while so held shall bear interest at the rate of three per centum per annum compounded annually.

Use of fund.

(2) Any amount paid to the Treasurer of Ontario under subsection 1, together with interest thereon, may with the consent of the Minister and the municipal council or councils concerned, be used by the board for capital expenditures.

Rev. Stat.,
c. 360,
amended.

5. *The High Schools Act* is amended by adding thereto the following section:

Informa-
tion re
employment.

27a.—(1) With the approval of the Minister, the board may appoint one or more officers qualified according to the regulations to collect and distribute information regarding available occupations and employments, and to offer such counsel to the pupils as will enable them to plan intelligently for their educational and vocational advancement.

Agreements
as to
appointment
of officers.

(2) With the approval of the Minister, the board may enter into an agreement with one or more other boards of high school trustees or boards of education for the appointment of one or more such officers, each of whom shall apportion his time in accordance with the terms of the agreement.

Rev. Stat.,
c. 360, s. 59,
subs. 3,
re-enacted.

6. Subsection 3 of section 59 of *The High Schools Act* is repealed and the following substituted therefor:

- (3) Every Saturday, every public holiday, the 24th day of May, the 11th day of November, the day appointed annually to be celebrated officially as the birthday of the reigning sovereign, the week following Easter Day, and every day proclaimed a holiday by the authorities of the municipality in which the teacher is engaged and every day upon which a school is closed under the provisions of *The Public Health Act* or the regulations of the Department, shall be a school holiday. Holidays.
Rev. Stat.,
c. 299.

7. Section 38 of *The Public Libraries Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 283, s. 38,
re-enacted.

38. The Board shall submit to the municipal council or councils and in the case of a school section not situate in an organized township to the trustees of the school section, on or before the 1st day of March in each year, a detailed estimate of the several sums required for the ensuing financial year to pay,— Estimates
of Board.

- (a) the interest on any money borrowed, as herein-after mentioned;
- (b) the amount required to be raised for the sinking fund, or to pay any instalment of principal and interest;
- (c) the expense of maintaining and managing the libraries, reading rooms, museums, evening classes, art schools and all other activities under its control;
- (d) contributions to an employees' pension fund;
- (e) retiring allowances to employees retired by reason of age or disability; and
- (f) amounts required to be paid under statutory or other authority.

8. Subsection 1 of section 39 of *The Public Libraries Act* is amended by striking out the symbol and figure "\$1" in the fifteenth line and inserting in lieu thereof the symbol and figures "\$1.25", so that the said subsection shall now read as follows: Rev. Stat.,
c. 283, s. 39,
subs. 1,
amended.

- (1) The municipal council of a city, town, village or township, the council of the township or the councils of the townships in which a police village or school section is situate, or the trustees of a school section Annual
rate.

if the section is not situate in an organized township, in addition to all other rates and assessments levied and assessed shall levy and assess in each year a special rate to be called the "Public Library Rate" sufficient to provide the amount estimated by the board as hereinbefore provided, but such rate shall not exceed a rate in the dollar of taxable assessment that will yield more than fifty cents per capita of population of the municipality, police village or school section, as shown in the latest revised assessment roll, but by a vote of a majority of the council or board present and voting thereon, such rate may be increased to an amount to yield not more than \$1.25 per capita of the population.

Rev. Stat.,
c. 357, s. 6,
subs. 3,
re-enacted.

9. Subsection 3 of section 6 of *The Public Schools Act* is repealed and the following substituted therefor:

Holidays.

- (3) Every Saturday, every public holiday, the 24th day of May, the 11th day of November, the day appointed annually to be celebrated officially as the birthday of the reigning sovereign, the week following Easter Day, and every day proclaimed a holiday by the authorities of the municipality in which the teacher is engaged and every day upon which a school is closed under the provisions of *The Public Health Act* or the regulations of the Department, shall be a school holiday.

Rev. Stat.,
c. 299.

10. Section 15 of *The Public Schools Act* as amended by section 16 of *The School Law Amendment Act, 1939*, and section 4 of *The School Law Amendment Act, 1940*, is further amended by adding thereto the following subsection:

Certified
copy of
voters'
list.

- (1b) Where a township school area includes a union school section the clerk of each township any portion of which forms part of the union school section shall furnish to the clerk of the township in which the area is formed a certified copy of the list of voters qualified to vote on school matters in that portion of the township.

Rev. Stat.,
c. 357, s. 16a,
subs. 1
(1940,
c. 24, s. 5),
re-enacted.

11. Subsection 1 of section 16a of *The Public Schools Act* as enacted by section 5 of *The School Law Amendment Act, 1940*, is repealed and the following substituted therefor:

Adjustment
and deter-
mination
of rights
and claims.

- (1) For the purpose of evaluating, adjusting and determining all rights and claims between school sections within township school areas formed under section 15 or section 15a, section 16 shall apply, provided that the powers and duties conferred and imposed upon

the Ontario Municipal Board by section 16 shall, in the case of such areas, be exercised and performed by the Minister.

12. Clause *d* of section 89 of *The Public Schools Act* is amended by striking out all the words after the word "pupil" in the fifteenth line and inserting in lieu thereof the words "during the school year who is not six years of age on the opening day of school in September", so that the said clause shall now read as follows:

- (*d*) to provide adequate accommodation for all children between the ages of five and sixteen years, resident in the municipality, and in the case of rural schools for two-thirds of such children resident in the section, as ascertained in both cases by the school census taken by the assessor in the next preceding year, and in computing such residents the children of persons on whose behalf a separate school has been established under *The Separate Schools Act* shall not be included; provided that where the accommodation is not more than sufficient for all children over six years of age or where the general progress of the school or grade may be prejudicially affected, the inspector may in either case authorize the board to refuse to admit any pupil during the school year who is not six years of age on the opening day of school in September.

13. *The Public Schools Act* is amended by adding thereto the following section:

89a.—(1) Subject to the approval of the Minister and of the municipal council or councils concerned the board may include in the estimates for the current calendar year an amount not exceeding ten per centum of the maintenance costs for the preceding calendar year of any school or schools under the charge of the board and such amount shall be deposited with the Treasurer of Ontario to be held in trust for the board and while so held shall be at interest at the rate of three per centum per annum compounded annually.

- (2) Any amount paid to the Treasurer of Ontario under subsection 1, together with interest thereon may, with the consent of the Minister and of the municipal council or councils concerned be used by the board for capital expenditures.

14. Clause *h* of section 103 of *The Public Schools Act* is repealed and the following substituted therefor:

Infectious
diseases
among
pupils.

- (h) to refuse admission to the school of any pupil who he believes is infected with or exposed to communicable diseases requiring quarantine and placarding under regulations made pursuant to *The Public Health Act* until furnished with a certificate of a medical officer of health or of a duly qualified medical practitioner approved by him that all danger from exposure to contact with such pupil has passed.

Rev. Stat.,
c. 299.

Rev. Stat.,
c. 357, s. 112,
subs. 3,
amended.

15. Subsection 3 of section 112 of *The Public Schools Act* as amended by section 18 of *The School Law Amendment Act, 1941*, and section 13 of *The School Law Amendment Act, 1943*, is further amended by striking out the symbol and figures "\$800" in the fourth line and inserting in lieu thereof the symbol and figures "\$1,000", so that the said subsection shall now read as follows:

Applica-
tion of
township
grant.

- (3) The sums so levied and collected shall be applied exclusively to teachers' salaries, and payment of sums to boards under this section shall not be made unless the salary of the teacher for the year, in each case, is at least \$1,000.

Rev. Stat.,
c. 367, s. 11,
subs. 1,
amended.

16. Subsection 1 of section 11 of *The School Attendance Act* is amended by striking out the symbol and figure "\$5" in the fifth line and inserting in lieu thereof the symbol and figure "\$1", so that the said subsection shall now read as follows:

Liability
of parents.

- (1) A parent, or guardian or other person having the charge or control of any child between the ages of eight and fourteen years, who neglects or refuses to cause such child to attend school unless such child is excused from attendance as provided by this Act, shall incur a penalty of not less than \$1 nor more than \$20.

Rev. Stat.,
c. 367, s. 16,
amended.

17. Section 16 of *The School Attendance Act* is amended by adding thereto the following subsection:

Certificate of
principal.

- (2) In any prosecution under this Act a certificate as to the attendance or non-attendance at school of any child signed or purporting to be signed by the principal of the school shall be *prima facie* evidence of the facts stated therein without any proof of the appointment of such principal or of his signature.

1943, c. 26,
s. 25,
amended.

18. Section 25 of *The School Law Amendment Act, 1943*, is amended by inserting after the figures "1943" in the first line of clause *a* the word and figures "and 1944", by striking out the figures "1944" in the first line of clause *b* and inserting in

lieu thereof the figures "1945", and by striking out the figures "1945" in the first line of clause *c* and inserting in lieu thereof the figures "1946", so that the said section shall now read as follows:

25. Notwithstanding the provisions of section 6 of *The Township of York Act, 1932*, as amended by section 3 of *The Township of York Act, 1938*, the legislative grants for the support of public and separate schools in the Township of York shall, in the calendar years indicated, be computed and paid on the following bases:

- (a) 1943 and 1944, in the same manner and on the same assessment as the legislative grant paid in 1942, in this section referred to as the "old basis";
- (b) 1945, on the basis prescribed by the regulations made under *The Department of Education Act*, in this section referred to as the "new basis", plus fifty per centum of the difference between the amount of the grant calculated on the old basis and the amount of the grant calculated on the new basis; and
- (c) 1946 and subsequent years, on the new basis.

19. Subsection 3 of section 93 of *The Separate Schools Act* is repealed and the following substituted therefor:

- (3) Every Saturday, every public holiday, the 24th day of May, the 11th day of November, the day appointed annually to be celebrated officially as the birthday of the reigning sovereign, the week following Easter Day, and every day proclaimed a holiday by the authorities of the municipality in which the teacher is engaged and every day upon which a school is closed under the provisions of *The Public Health Act* or the regulations of the Department, shall be a school holiday.

20. Section 5 of *The Teachers' and Inspectors' Superannuation Act* is repealed and the following substituted therefor:

5. The Treasurer of Ontario shall place to the credit of the fund at such times as shall be prescribed by the regulations, sums equal to those contributed by the teachers and inspectors under section 4.

21. Section 17 of *The Teachers' and Inspectors' Superannuation Act* is amended by section 19 of *The School Law*

Amendment Act, 1943, is further amended by adding thereto the following clauses:

Services in
another
Province.

- (gg) prescribing the credit to be given under the Act for services performed as a teacher or inspector in another Province by a teacher or inspector subsequently employed in Ontario and providing for payment into the fund of an amount equal to the contributions, that would have been paid into the fund by the teacher, together with accumulated interest, if such services had been performed in Ontario.

Transfer of
contributions
to other
Province.

- (ggg) providing for payment out of the fund into any like fund under a superannuation scheme in any other Province of an amount equal to the contributions paid into the fund by a teacher or inspector who has ceased to be employed in Ontario and has become employed as a teacher or inspector in such other Province, together with accumulated interest.

Rev. Stat.,
c. 369,
amended.

22. *The Vocational Education Act* is amended by adding thereto the following sections:

Fund for
capital
expenditures.

- 12a.—(1) Subject to the approval of the Minister and of the municipal council or councils concerned, the advisory committee may include in its estimates to the board for the current calendar year an amount not exceeding ten per centum of the maintenance costs for the preceding calendar year of any vocational school or department under its management or control, and such amount shall be deposited by the board with the Treasurer of Ontario to be held in trust for the board and while so held shall bear interest at the rate of three per centum per annum compounded annually.

Use of
fund.

- (2) Any amount paid to the Treasurer of Ontario under subsection 1, together with interest thereon, may with the consent of the Minister and of the municipal council or councils concerned, be used for capital expenditures of the board in the construction or permanent improvement, enlargement or extension of any vocational school or department which is under the management and control of the advisory committee.

Fund for
equipment
maintenance.

- 12b.—(1) Subject to the approval of the Minister and of the municipal council or councils concerned, the advisory committee may include in its estimates to the board an amount not exceeding five per centum

of the total value of the machine tool equipment and specialized scientific apparatus contained in any vocational school or department under its management or control, and such amount shall be deposited with the Treasurer of Ontario to be held in trust for the board and while so held shall bear interest at the rate of three per centum per annum compounded annually.

- (2) Any amount paid to the Treasurer of Ontario under subsection 1, together with interest thereon, may with the consent of the Minister and the municipal council or councils concerned, be used by the board for the replacement or repair of machine tool equipment and specialized scientific apparatus contained in any vocational school or department under the management and control of the advisory committee.

Use of fund.

23. Subsection 3 of section 24 of *The Vocational Education Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 369, s. 24,
subs. 3,
re-enacted.

- (3) The amount to be raised respectively by the council of each municipality in the vocational school district for such purposes shall be the proportion that the population-assessment of the municipality bears to the sum of the population-assessments of all the municipalities constituting the vocational school district.

Amount
to be raised.

- (4) In this section "population-assessment" shall mean the amount of the last revised assessment of a municipality multiplied by the population of such municipality and "population" shall have the same meaning as in *The Municipal Act*.

Interpreta-
tions.

Rev. Stat.,
c. 266.

24. This Act may be cited as *The School Law Amendment Act, 1944*.

Short title.

BILL

The School Law Amendment Act, 1944.

1st Reading

April 3rd, 1944

2nd Reading

April 4th, 1944

3rd Reading

April 5th, 1944

MR. DREW

1ST SESSION, 21ST LEGISLATURE, ONTARIO
8 GEORGE VI, 1944

BILL

An Act for granting to His Majesty certain sums of money for the
Public Service of the financial year ending the 31st day of
March, 1945.

MR. FROST

BILL

An Act for granting to His Majesty certain sums of money for the Public Service of the financial year ending the 31st day of March, 1945.

MOST GRACIOUS SOVEREIGN:

Preamble.

WHEREAS it appears by message from the Honourable Albert Matthews, Lieutenant-Governor of the Province of Ontario, and the estimates accompanying the same, that the sums hereinafter mentioned in the schedule to this Act are required to defray certain expenses of the public service of this Province, not otherwise provided for, for the financial year ending the 31st day of March, 1945, and for other purposes connected with the public service; May it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

\$70,344,
804.30
granted for
fiscal year
1944-45.

1. From and out of the Consolidated Revenue Fund of this Province, there may be paid and applied a sum not exceeding in the whole seventy million, three hundred and forty-four thousand, eight hundred and four dollars and thirty cents towards defraying the several charges and expenses of the public service of this Province, not otherwise provided for, from the 1st day of April, 1944, to the 31st day of March, 1945, as set forth in schedule A to this Act, and such sum shall be paid and applied only in accordance with the votes and items of the estimates upon which such schedule is based.

Accounts
to be laid
before
Assembly.

2. Accounts in detail of all moneys received on account of this Province during the financial year 1944-45 and of all expenditures under schedule A of this Act shall be laid before the Legislative Assembly at the first sitting after the completion of the said financial year.

Appropriations for
1944-45
unexpended
to lapse.

3. Any part of the money under schedule A appropriated by this Act out of the Consolidated Revenue, which may be

unexpended on the 31st day of March, 1945, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day; and all balances remaining unexpended after the said date or at such subsequent date as may be fixed by the Lieutenant-Governor in Council under the provisions of *The Audit Act* shall lapse and be written off. Rev. Stat., c. 24.

5. The due application of all moneys expended under this Act out of the Consolidated Revenue shall be accounted for Accounting for expenditure. to His Majesty.

6. This Act shall come into force on the day upon which Commencement of Act. it receives the Royal Assent.

SCHEDULE A

Sums granted to His Majesty by this Act for the financial year ending on the thirty-first day of March, one thousand nine hundred and forty-five to defray expenses of:

Agriculture Department.....	\$2,478,379.75
Attorney-General's Department..	3,137,845.00
Education Department.....	14,077,105.00
Game and Fisheries Department..	680,000.00
Health Department.....	13,586,305.00
Highways Department.....	1,075,800.00
Insurance Department.....	64,100.00
Labour Department.....	437,231.55
Lands and Forests Department..	3,112,081.00
Legislation.....	264,700.00
Lieutenant-Governor's Office...	10,175.00
Mines Department.....	364,250.00
Municipal Affairs Department..	149,822.00
Planning and Development Department.....	92,000.00
Prime Minister's Department..	123,225.00
Provincial Auditor's Office.....	118,500.00
Provincial Secretary's Department.....	2,262,635.00
Provincial Treasurer's Department.....	1,565,875.00
Public Welfare Department.....	25,344,675.00
Public Works Department.....	1,300,100.00
Miscellaneous.....	100,000.00

Total estimates for expenditure of 1944-1945.....\$70,344,804.30



BILL

An Act for granting to His Majesty certain
sums of money for the Public
Service of the financial year
ending the 31st day of
March, 1945.

1st Reading

April 6th, 1944

2nd Reading

April 6th, 1944

3rd Reading

April 6th, 1944

MR. FROST





